

Also, petition of The Journal, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Pennsylvania, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Charles Shafer and others, against bill H. R. 12973—to the Committee on Foreign Affairs.

Also, petition of Brotherhood of Railway Trainmen, favoring restriction of immigration, etc.—to the Committee on Immigration and Naturalization.

Also, petition of Group 8, Pennsylvania Bankers' Association, for permission to loan to one person 10 per cent of capital stock and surplus—to the Committee on Banking and Currency.

Also, petition of The Typothetæ of New York City, against the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of National Wholesale Druggists' Association, for modification of certain terms in the pure food and drug bill—to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of citizens of Monroe, Wis., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. DOVENER: Paper to accompany bill for relief of John W. Vandine—to the Committee on Invalid Pensions.

By Mr. FLETCHER: Petition of St. Paul Credit Men's Association, against repeal of bankruptcy law and for Palmer amendment—to the Committee on the Judiciary.

Also, petition of congregation of House of Hope Church, St. Paul, Minn., for modification of present Chinese-exclusion law—to the Committee on the Judiciary.

By Mr. FULKERSON: Petition of The Argus, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GAINES of West Virginia: Petitions of Union Council, No. 5, Daughters of Liberty, Charleston, W. Va.; Mount Pleasant Council, Order of United American Mechanics; R. E. Pendell and 54 others, of Kanawha County, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. GARRETT: Paper to accompany bill for relief of Roland Johnson—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of Henry A. Dreer, of Philadelphia, against free-seed distribution—to the Committee on Agriculture.

Also, petition of Monday P. M. Club, Passaic, N. J., for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of Woman's Club of Orange, N. J., for appropriation for playgrounds in the District of Columbia for children—to the Committee on the District of Columbia.

Also, petition of Monday P. M. Club, of Passaic, N. J., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON: Paper to accompany bill for relief of Henry C. Easler—to the Committee on Pensions.

By Mr. JONES of Washington: Petition of citizens of Washington, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KENNEDY: Paper to accompany bill for relief of Horace Olmsted—to the Committee on Military Affairs.

By Mr. LEE: Paper to accompany bill for relief of heirs of Rachel C. Hamilton and Terul Hamilton, Floyd County, Ga—to the Committee on War Claims.

By Mr. LINDSAY: Petition of W. H. Lundquist Company, for bill H. R. 5281, repealing the present unjust pilotage laws—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Curtis Brothers Lumbering Company, for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Robert R. Sizer & Co., for bill H. R. 5281—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Thomas L. Vickers, against bill H. R. 5281, repealing the present unjust pilotage laws—to the Committee on the Merchant Marine and Fisheries.

By Mr. LITTLEFIELD: Petition of citizens of Maine, Free-town Grange, and C. F. Tripp et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Petition of citizens of Van Dyke, Juniata County, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. MARTIN: Petition of citizens of South Dakota, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PERKINS: Petition of the Evening Times, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PUJO: Paper to accompany bill for relief of Mary A. Riley—to the Committee on Pensions.

By Mr. SIMS: Petition of Charles E. Wills et al., Paris, Tenn., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of Credit Men's Association, St. Paul, against repeal of bankruptcy law and for the Palmer amendment—to the Committee on the Judiciary.

Also, petition of citizens of St. Paul, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of St. Paul, Minn., for certain modifications of the present Chinese-exclusion law (previously referred to the Committee on the Post-Office and Post-Roads)—to the Committee on Foreign Affairs.

By Mr. RIVES: Paper to accompany bill for relief of Richard Isaacs (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

By Mr. RYAN: Petition of Japanese and Korean Exclusion League, for Chinese-exclusion law as it is—to the Committee on Foreign Affairs.

By Mr. TAYLOR of Ohio: Petition of J. M. Wills Woman's Relief Corps, No. 66, and others, in support of bill H. R. 14610—to the Committee on Invalid Pensions.

By Mr. TIRRELL: Petition of many citizens of New York and vicinity for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

By Mr. TOWNSEND: Petition of Webster (Mich.) Farmers' Club, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. TYNDALL: Petition of citizens of Missouri, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of The Typothetæ of New York City, against the anti-injunction bill—to the Committee on the Judiciary.

By Mr. VAN WINKLE: Petition of Monday P. M. Club, Passaic, N. J., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Club of Orange, N. J., for appropriation for children's playgrounds for the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Monday P. M. Club, of Passaic, N. J., for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of Henry A. Dreer, of Philadelphia, against free-seed distribution—to the Committee on Agriculture.

Also, petition of E. P. Reschhelm & Co., against free seeds—to the Committee on Agriculture.

By Mr. WOOD of New Jersey: Petition of Monday P. M. Club, of Passaic, for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of Monday P. M. Club, of Passaic, for forest reservations in White Mountains—to the Committee on Agriculture.

Also, petition of citizens of Boundbrook, N. J., and Camp No. 7, Patriotic Order Sons of America, for bill H. R. 15442—to the Committee on Immigration and Naturalization.

Also, petition of Woman's Club of Orange, N. J., for appropriation to establish playgrounds in the District of Columbia—to the Committee on the District of Columbia.

By Mr. YOUNG: Petition of 19 prominent business firms of the Twelfth Michigan district, against the passage of the free-alcohol bill—to the Committee on Ways and Means.

Also, petition of citizens of Iron River, Mich., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

MONDAY, April 2, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last; when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

GRAHAMS ISLAND, NORTH DAKOTA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs calling attention to an agreement with the Turtle Mountain band of Chippewa Indians, and transmitting a draft of a bill to restore to the public domain a part of an abandoned military reservation known as "Grahams Island," in Devils Lake, North Dakota; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

ROCK CREEK PARK.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of the 26th ultimo, a statement setting forth the parcels of land to be acquired as an addition to Rock Creek Park, with the respective areas, names of owners, assessed valuation, and amount of taxes paid thereon; which, with the accompanying paper, was referred to the Committee on the District of Columbia, and ordered to be printed.

ORDINANCE OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, a certified copy of an ordinance enacted by the executive council of Porto Rico on March 16, 1906, granting to Messrs. Eugui & Co. the right to take and use 40 liters of water per second from the Gurabo River for industrial purposes; which, with the accompanying paper, was referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed.

GEORGIA RAILROAD AND BANKING COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 23d ultimo, the report by the Auditor for the Post-Office Department in the case of the Georgia Railroad and Banking Company for services rendered by it, under the name of the Georgia Railroad Company, for carrying the United States mails on certain routes in Georgia prior to May 31, 1861, together with a statement of the amount due the railroad company from the records of the Auditor's office; which, with the accompanying papers, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MINERAL LAND PATENTS IN ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Commissioner of the General Land Office recommending that section 2325 of the Revised Statutes be amended by adding thereto a provision relating to adverse claims against applicants for mineral patents in the district of Alaska; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

SECOND INTERNATIONAL PEACE CONFERENCE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation to enable the Government of the United States to participate in the Second International Peace Conference; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SURVEYS IN SAN DIEGO COUNTY, CAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation for incorporation in the urgent deficiency appropriation bill for the completion of resurveys in San Diego County, Cal., authorized by the act of Congress of July 1, 1902, including the surveying out by metes and bounds of all valid claims of record up to March 31, 1906, \$20,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Athénais Chrétien le More, administratrix of Félicité Neda Chrétien, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PRESERVATION OF NIAGARA FALLS.

The VICE-PRESIDENT. On March 27 the Chair laid before the Senate a message from the President of the United States, transmitting the report of the American members of the International Waterways Commission, regarding the preservation of Niagara Falls, which was referred to the Committee on Foreign Relations. Since that time a map to accompany the report has been received, which, if there be no objection, will be referred to the Committee on Foreign Relations to accompany the message and report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 2872. An act for the relief of the French Trans-Atlantic Cable Company; and

S. 4130. An act to authorize the Capital City Improvement Company, of Helena, Mont., to construct a dam across the Missouri River.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

S. 4825. An act to provide for the construction of a bridge across Rainey River, in the State of Minnesota;

S. 5181. An act to authorize the construction of a bridge across the Snake River between Whitman and Columbia counties, in the State of Washington;

S. 5182. An act to authorize the construction of a bridge across the Columbia River between Franklin and Benton counties, in the State of Washington; and

S. 5183. An act to authorize the construction of a bridge across the Columbia River between Douglas and Kittitas counties, in the State of Washington.

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 20. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee; in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes;

H. R. 1142. An act for the relief of Ephraim Greenawalt;

H. R. 1572. An act for the relief of Thomas W. Higgins;

H. R. 1738. An act for the relief of Sarah A. Clapp;

H. R. 1863. An act for the relief of M. A. McCafferty;

H. R. 2996. An act to reimburse Capt. Sidney Layland for sums paid by him while master of the U. S. transport *Mobile* in July and August, 1898;

H. R. 3459. An act for the relief of John W. Williams;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 5217. An act for the relief of Agnes W. Hills and Sarah J. Hills;

H. R. 5539. An act for the relief of the State of Rhode Island;

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 5927. An act for the relief of the board of trustees of West Tennessee College, Jackson, Tenn.;

H. R. 6530. An act for the relief of David C. McGee;

H. R. 6675. An act for the relief of the Methodist Church at Newhaven, Ky.;

H. R. 6837. An act for the relief of Carl F. Kolbe;

H. R. 6982. An act for the relief of James W. Jones;

H. R. 7670. An act for the relief of the legal representatives of the estate of Benjamin Lillard, deceased;

H. R. 7979. An act for the relief of J. B. Orbison;

H. R. 8952. An act for the relief of the trustees of Weir's Chapel, Tippah County, Miss.;

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County;

H. R. 9877. An act for the relief of James P. Barney;

H. R. 10015. An act for the relief of the estate of Capt. Charles E. Russell, deceased;

H. R. 10233. An act for the relief of John S. Logan;

H. R. 10605. An act for the relief of Edward F. Stahle;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 11108. An act for the relief of Benjamin F. King;

H. R. 11976. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico;

H. R. 12252. An act for the relief of heirs at law of Massalon Whitten, deceased;

H. R. 14206. An act to carry out the findings of the Court of Claims in the case of James A. Paulk;

H. R. 14541. An act for the relief of C. R. Williams;

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902; and

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

Subsequently the foregoing claims bills were severally read twice by their titles, and referred to the Committee on Claims.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 5954. An act to authorize the Secretary of the Treasury to issue duplicate gold certificate, in lieu of one lost, to Lincoln National Bank, of Lincoln, Ill.;

H. R. 16671. An act permitting the building of a dam across the St. Joseph River near the village of Berrien Springs, Berrien County, Mich.;

H. R. 14808. An act authorizing the Choctawhatchee Power Company to erect a dam in Dale County, Ala.; and

H. J. Res. 11. Joint resolution for the publication of eulogies delivered in Congress on Hon. JOHN W. CRANFORD, late a Representative in Congress.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the legislature of the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PLATT. I present a concurrent resolution of the legislature of New York, relative to the adoption of an amendment to the Constitution to prohibit polygamy. I ask that the concurrent resolution be read, and referred to the Committee on the Judiciary.

There being no objection, the concurrent resolution was read, and referred to the Committee on the Judiciary, as follows:

STATE OF NEW YORK,
In Senate, Albany, March 1, 1906.

Whereas it appears from the investigation recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof, and

Whereas the practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved (If the assembly concur). That application be and hereby is made to Congress, under the provisions of article 5 of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited and Congress shall be given power to force such prohibition by appropriate legislation.

Resolved. That the legislatures of all other States of the United States, now in session or when next convened, be and they are hereby respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further. That the secretary of state be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several Members of said body representing this State therein; also to transmit copies hereof to the legislatures of all other States of the United States.

By order of the senate:

LAFAYETTE B. GLEASON, Clerk.
IN ASSEMBLY, March 2, 1906.

Concurred in without amendment.

By order of the assembly:

A. E. BAXTER, Clerk.

STATE OF NEW YORK,
Office of the Secretary of State, ss:

The foregoing is a true copy of a concurrent resolution of the senate and assembly of the State of New York, filed in this office March 6, 1906.

Given under my hand and the seal of office of the secretary of state, at the city of Albany, this 20th day of March, in the year 1906.

[SEAL.]

JOHN F. O'BRIEN,
Secretary of State.

Mr. PLATT presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to remove discriminations against American sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a memorial of Local Division No. 148, Amalgamated Association of Street and Electric Railway Employees of America, of Albany, N. Y., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Local Council No. 29, Daughters of Liberty, of Utica, N. Y., and a petition of Empire Council No. 28, Junior Order of United American Mechanics, of Greenport, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. GALLINGER presented a petition of Hannah Dustin Council, No. 9, Daughters of Liberty, of Franklin, N. H., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of Local Division No. 397, Amalgamated Association of Street and Electric Railway Employees of America, of Berlin, N. H., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented the petition of John C. Young, of Lakeport, N. H., praying for the enactment of legislation to remove the duty on denaturalized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Coos County National Bank of Groveton, N. H., praying for the enactment of legislation to continue the appropriation for the transportation of silver coin; which was referred to the Committee on Appropriations.

He also presented a petition of the Woman's Club of Derry, N. H., and a petition of the Study Club of Whitefield, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented the petition of Arthur F. Stone, of St. Johnsbury, Vt., praying for the enactment of legislation to prohibit the killing of wild birds and animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the East End Suburban Citizens' Association, of Washington, D. C., praying for the enactment of legislation providing for the extension of M street east of Bladensburg road in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to repeal pilotage discriminations against sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a petition of the Council of the Civic Center, of Washington, D. C., praying for an investigation into the efficiency of the filtration plant in that city; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Westchester Woman's Club, of Mount Vernon, N. Y., praying for the enactment of legislation to regulate the employment of child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented petitions of the Woman's Club of Derry, the Study Club, of Whitefield, and the Woman's Club of Henniker, all of the General Federation of Women's Clubs, in the State of New Hampshire, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

He also presented a memorial of Local Division No. 397, Amalgamated Association of Street and Electric Railway Employees of America, of Berlin, N. H., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of Granite State Lodge, No. 235, Brotherhood of Railroad Trainmen, of Manchester, and of Hannah Dustin Council, No. 9, Daughters of Liberty, of Franklin, in the State of New Hampshire, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of Tahanto Division, No. 335, Brotherhood of Locomotive Engineers, of Concord, N. H., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the petition of John C. Young, of Lakeport, N. H., praying for the removal of the internal-revenue tax on denaturalized alcohol; which was referred to the Committee on Finance.

Mr. FULTON presented memorials of sundry citizens of Portland, Oreg., remonstrating against the enactment of legislation to prohibit the coming of Chinese laborers into the United States, and for other purposes; which were referred to the Committee on Immigration.

Mr. BEVERIDGE presented a petition of the congregation of the Broadway Methodist Episcopal Church, of Logansport, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

He also presented petitions of Local Union No. 331, American Federation of Musicians, of Rochester; of Local Union No. 366, American Federation of Musicians, of Vincennes, and of Local Union No. 58, American Federation of Musicians, of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to prohibit Government musicians from competing with civilian musicians; which were referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Mount Vernon, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of the Woman's Club of Anderson, of the Woman's Club of Westfield, and of the Tuesday Club of

Kendallville, all in the State of Indiana, praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which were referred to the Committee on Education and Labor.

He also presented a memorial of the Logansport Humane Society, of Logansport, Ind., remonstrating against the enactment of legislation to extend the time in the interstate transportation of live stock; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Indiana Grain Dealers' Association, of Indianapolis, Ind., praying for the enactment of legislation relating to bills of lading issued by carriers for the interstate transportation of property; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Wholesale Lumber Dealers' Association, of New York City, N. Y., praying for the enactment of legislation to repeal pilotage discriminations against sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented a petition of Hope Grange, No. 2, Patrons of Husbandry, of Aurora, Ind., praying for the enactment of legislation to remove the duty on denatured alcohol; which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Muncie, of the Associated Charities of Anderson, and of Reddington Lodge, No. 281, Knights of Pythias, of Reddington, all in the State of Indiana, praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. KEAN presented petitions of Pride of Hornerstown Council, No. 77, of Hornerstown; of Equity Council, No. 112, Daughters of Liberty, of Newark; of Independent Council, No. 131, Daughters of Liberty, of New Gretna; of Pride of Loyal America Council, No. 128, Daughters of Liberty, of Hoboken, and of Mary J. Hunt Council, No. 98, Daughters of Liberty, of Millville, all in the State of New Jersey, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Woman's Club of Englewood; of the All Round Club, of Montclair; of the Woman's Club of Upper Montclair, and of the Ratores Club, of Plainfield, all in the State of New Jersey, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of sundry citizens of St. Paul, Minn., praying for the adoption of an amendment to the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented a petition of Cedar River Lodge, No. 283, Brotherhood of Railway Trainmen, of Austin, Minn., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

He also presented a memorial of the Credit Men's Association, of St. Paul, Minn., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Library.

Mr. BRANDEGEE presented a petition of Stephen Charters and sundry other citizens of Ansonia, Conn., praying that an appropriation be made for the erection of a monument to the memory of the late Commodore John Barry; which was referred to the Committee on the Library.

He also presented a petition of the National Wholesale Lumber Dealers' Association, of New York, N. Y., praying for the enactment of legislation concerning pilotage discriminations against American sailing vessels in the coastwise trade; which was referred to the Committee on Commerce.

He also presented petitions of the Monday Club of New Milford; of the Current Events Club, of Bethel, and of the Women's Club of Cheshire, all in the State of Connecticut, praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

He also presented petitions of Lady Unity Council, No. 51, of Southington; of Olive Branch Council, No. 41, of New Canaan; of Lady Wooster Council, No. 11, of Danbury; of Loyalty Council, No. 52, of Somers, and of Perseverance Council, No. 33, of New Haven, all of the Daughters of Liberty, in the State of Connecticut, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. DOLLIVER presented a petition of the congregation of Unity Church, of Decorah, Iowa, praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. OVERMAN presented a petition of sundry citizens of Brunswick County, N. C., praying that an appropriation be

made for the improvement of the Shallotte River, in that State; which was referred to the Committee on Commerce.

He also presented a petition of Myrtle Council, No. 3, Daughters of Liberty, of Davidson, N. C., and a petition of Unionville Council, No. 59, Junior Order United American Mechanics, of Sandy Bottom, Va., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. LONG presented sundry papers to accompany the bill (S. 5219) granting an increase of pension to David N. Morland; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 3272) granting an increase of pension to John Hirth; which were referred to the Committee on Pensions.

Mr. RAYNER (for Mr. GORMAN) presented sundry papers to accompany the bill (S. 4155) for the relief of Samuel H. Walker; which were referred to the Committee on Claims.

Mr. KITTREDGE presented a petition of the Federation of Women's Clubs of Faulkton, S. Dak., and a petition of the Federation of Women's Clubs of Whitewood, S. Dak., praying for an investigation into the industrial condition of the women of the country; which were referred to the Committee on Education and Labor.

Mr. TILLMAN presented a petition of the presidents of the commercial bodies of Charleston, S. C., praying for the enactment of legislation providing for an increase of the United States Coast Artillery forces by an addition of 4,970 men; which was referred to the Committee on Military Affairs.

DISCRIMINATION IN RAILWAY RATES.

Mr. TILLMAN. Mr. President, I send to the desk a letter from a firm of Richmond bankers, accompanied by a memorandum, in regard to railroad rate discrimination. I do this in pursuance of the policy suggested by a Senator that we need light along this line. I ask that it be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the communication.

The paper was read, and ordered to lie on the table, as follows:

JOHN L. WILLIAMS & SONS,
Richmond, Va., March 29, 1906.

Hon. B. R. TILLMAN,
Washington, D. C.

DEAR SIR: I inclose herewith memorandum showing gross discrimination by Pennsylvania Railroad against Richmond and eastern Virginia points in favor of Baltimore and Philadelphia. This is done as the result of the dominating influence and practically controlling influence which the Pennsylvania exercises over the Norfolk and Western and the Chesapeake and Ohio, which dominating influence is really a controlling influence.

It is a matter of common knowledge that President Stevens, of the Chesapeake and Ohio, and President Johnson, of the Norfolk and Western, receive their instructions from the president of the Pennsylvania Railroad, or from the directors of the Pennsylvania Railroad, who are also directors in the Norfolk and Western and the Chesapeake and Ohio. The information I inclose to you is of special interest to Senator SCOTT and Senator ELKINS, of West Virginia.

Yours, very truly,

L. M. WILLIAMS.

[Extract from the News Leader, January 8, 1906.]

DISCRIMINATION AGAINST RICHMOND.

Various Richmond manufacturers must have been amused by Maj. James H. Dooley's letter protesting against regulation of railroad freight rates by Government commission, printed here last week. Major Dooley argued that the commission, if created, will be composed chiefly of northern and western men, and that they will discriminate against the South and deprive southern cities of advantages in freight rates which they now enjoy.

Virginia people, and especially Richmond people, will judge of this matter by what they see and know under their own eyes. The Chesapeake and Ohio road charges the Richmond manufacturer \$1.00 per ton of 2,000 pounds from New River and \$1.70 from Kanawha. Philadelphia and Baltimore have a rate of \$1.38 per ton, a difference in their favor of 22 cents on every ton of coal hauled. If a Richmond manufacturer uses 20,000 tons of coal a year this makes an absolute difference against him of \$8,000 in hard cash, which is equivalent to 4 per cent on \$200,000 invested. The same road gives rates to Backbone and Covington of 65 cents from New River and 75 cents from Kanawha, and to Low Moor, Longdale, and Iron Gate rates of \$1 and \$1.10. At these points the Chesapeake and Ohio discriminates in favor of the large consumer, what may be called the wholesale purchaser, to the extent of 30 or 40 cents per ton against the comparatively small purchaser for domestic use. In Richmond the largest consumers, the manufacturers, are given no advantage over the small consumers. What favoritism is shown is given to the other railroads. Our information is that the Chesapeake and Ohio gives all the other railroads, including even the Farmville and Powhatan, a rate of \$1.25 from New River and \$1.35 from Kanawha, while exacting \$1.60 and \$1.70 from our manufacturers.

So far from gaining an advantage from the improved facilities and equipments of the railroads Richmond actually has been made to suffer from them. In 1899 we paid here \$1.65 per ton of 2,240 pounds from the Kanawha district. Now we pay \$1.70 per ton of 2,000 pounds, which is equivalent to \$1.90 per ton of 2,240 pounds, a net advance since 1899 of 13 1/2 per cent.

The discrimination against Richmond is not only a wrong done this city, but it is distinctly illegal. It is continued in the very teeth of the decision of the Interstate Commerce Commission in the case of the City Gas Company, of Norfolk, against the Baltimore and Ohio Rail-

road, decided last October. This is a case, which, as we understand law, would come directly under the supervision and regulation of a Government commission. Enforcement of proper rates would be worth scores of thousands of dollars to the city of Richmond in the direct saving of money paid out for freight and coal, and many scores of thousands more by enabling her to meet the competition of other cities on equal terms and to offer inducements to new manufacturing establishments to come here.

In the face of a showing like this, it is hard to understand how Major Dooley can argue that the railroad companies are treating the South so well that interference with them and regulation of their rates would be likely to injure this section.

REPORTS OF COMMITTEES.

Mr. HALE. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 17359) making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, to report it with amendments, and I submit a report thereon. I give notice that I shall ask the Senate to take up the bill to-morrow morning.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3720) granting an increase of pension to Smith Vaughan;

A bill (S. 4193) granting an increase of pension to Calvin D. Wilber; and

A bill (S. 834) granting an increase of pension to Lucien W. French.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3555) granting a pension to Alice A. Fray;

A bill (S. 1692) granting a pension to Ellen H. Swayne;

A bill (S. 5355) granting an increase of pension to Annie M. Walker;

A bill (S. 3468) granting an increase of pension to Myra R. Daniels;

A bill (S. 5255) granting an increase of pension to John D. Cutler;

A bill (S. 4745) granting an increase of pension to Susan J. F. Joslyn; and

A bill (S. 5375) granting an increase of pension to Frances L. Porter.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3765) granting an increase of pension to Charles R. Frost;

A bill (H. R. 2034) granting a pension to Cora F. Mitchell;

A bill (H. R. 14855) granting an increase of pension to Henry C. Carr;

A bill (H. R. 15110) granting an increase of pension to John Green;

A bill (H. R. 11702) granting an increase of pension to Lucy A. Pender; and

A bill (H. R. 13866) granting an increase of pension to Isaac Place.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 976) granting pensions to certain enlisted men, soldiers, and officers who served in the war of the rebellion, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3119) granting an increase of pension to F. A. Beranek; and

A bill (S. 3883) granting an increase of pension to Ferdinand Hercher.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3549) granting an increase of pension to Martha H. Ten Eyck;

A bill (S. 2799) granting an increase of pension to Willis H. Watson;

A bill (S. 5205) granting an increase of pension to John F. Alsop;

A bill (S. 5114) granting an increase of pension to Lizzie B. Cusick;

A bill (S. 4231) granting an increase of pension to Owen Martin; and

A bill (S. 3551) granting an increase of pension to Solomon Jackson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 663) granting a pension to Joseph Ellmore;

A bill (S. 1691) granting an increase of pension to Alice S. Shepard;

A bill (S. 3130) granting an increase of pension to George B. Vollandigham;

A bill (H. R. 11804) granting an increase of pension to Patrick McDermott;

A bill (H. R. 12651) granting a pension to Louis Grossman;

A bill (H. R. 15622) granting an increase of pension to Argyle Z. Buck;

A bill (H. R. 15491) granting an increase of pension to James Buckley;

A bill (H. R. 16519) granting an increase of pension to Erwin G. Dudley;

A bill (H. R. 11622) granting a pension to Martha A. Remington;

A bill (H. R. 14337) granting an increase of pension to Gabriel Y. Palmer;

A bill (H. R. 14437) granting an increase of pension to Marquis M. De Burger;

A bill (H. R. 15029) granting an increase of pension to Sabine Vancuren;

A bill (H. R. 11076) granting a pension to Marion W. Stark; and

A bill (H. R. 11856) granting an increase of pension to Luke McLoney.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5192) granting a pension to John H. Stacy;

A bill (H. R. 13573) granting an increase of pension to Francis M. Ballew;

A bill (H. R. 9765) granting an increase of pension to John C. Anderson;

A bill (H. R. 1939) granting an increase of pension to William F. Limpus;

A bill (H. R. 12049) granting an increase of pension to Roland Havens;

A bill (H. R. 14559) granting an increase of pension to Henry West;

A bill (H. R. 14560) granting an increase of pension to Elizabeth Weston;

A bill (H. R. 14951) granting an increase of pension to James Nunan;

A bill (H. R. 11484) granting an increase of pension to Thomas H. Wilson; and

A bill (H. R. 11563) granting an increase of pension to John Henderson.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5189) granting an increase of pension to Margaret F. Joyce; and

A bill (H. R. 13572) granting an increase of pension to Saturnine Baca.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4112) granting an increase of pension to H. M. Swigart; and

A bill (S. 556) granting an increase of pension to William H. Egolf.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3273) granting an increase of pension to Abisha Risk;

A bill (H. R. 14909) granting an increase of pension to John W. Creager;

A bill (H. R. 14532) granting an increase of pension to Augusta N. Manson;

A bill (H. R. 15940) granting an increase of pension to James M. Carley;

A bill (H. R. 15536) granting an increase of pension to Henry H. Tillson;

A bill (H. R. 13803) granting an increase of pension to Henry H. Forman;

A bill (H. R. 13153) granting an increase of pension to George Budden;

A bill (H. R. 12122) granting an increase of pension to Robert G. Shuey;

A bill (H. R. 11866) granting an increase of pension to David H. Allen;

A bill (H. R. 11597) granting an increase of pension to George M. Apgar;

A bill (H. R. 14454) granting an increase of pension to William A. Blossom; and

A bill (H. R. 3569) granting a pension to Ada N. Hubbard.

Mr. FILES, from the Committee on Pensions, to whom was referred the bill (S. 3415) granting an increase of pension to William Triplett, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4739) granting an increase of pension to Benjamin F. Burgess, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 4018) granting an increase of pension to Ebenezer Lusk;

A bill (H. R. 14874) granting an increase of pension to William C. Hearne;

A bill (H. R. 14875) granting an increase of pension to Mary A. Witt;

A bill (H. R. 12241) granting an increase of pension to Elizabeth E. Barber;

A bill (H. R. 12498) granting an increase of pension to Charles F. Runnels;

A bill (H. R. 10747) granting an increase of pension to Jonathan Lingle;

A bill (H. R. 12992) granting an increase of pension to Henry G. Klink;

A bill (H. R. 14131) granting an increase of pension to Francis M. Simpson; and

A bill (H. R. 9813) granting a pension to Harriet P. Sanders.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1628) granting an increase of pension to Christian H. Goebel; and

A bill (S. 3178) granting an increase of pension to Daniel Shelley.

Mr. TALIAFERRO, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15553) granting an increase of pension to Susan H. Isom;

A bill (H. R. 6055) granting an increase of pension to Angeline Watson;

A bill (H. R. 14823) granting an increase of pension to William Woods;

A bill (H. R. 14824) granting an increase of pension to Samuel P. Newman;

A bill (H. R. 15059) granting an increase of pension to Alfred W. Morley;

A bill (H. R. 12532) granting an increase of pension to Zachariah George;

A bill (H. R. 12533) granting an increase of pension to Zadick Carter;

A bill (H. R. 14143) granting an increase of pension to Zacur P. Pott; and

A bill (H. R. 13255) granting an increase of pension to William J. Hays.

Mr. OVERMAN, from the Committee on Pensions, to whom was referred the bill (S. 1605) granting an increase of pension to Richard H. Lee, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5077) granting an increase of pension to Gabriel Cody, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 15382) granting an increase of pension to Mary C. Moore;

A bill (H. R. 14489) granting an increase of pension to Peter C. Krieger;

A bill (H. R. 14547) granting an increase of pension to Thomas Chapman;

A bill (H. R. 14718) granting an increase of pension to Joseph A. Jones;

A bill (H. R. 15198) granting an increase of pension to Elizabeth J. Martin;

A bill (H. R. 11716) granting an increase of pension to Warren B. Tompkins;

A bill (H. R. 11868) granting an increase of pension to Joseph Dougal;

A bill (H. R. 13079) granting an increase of pension to James H. Griffin;

A bill (H. R. 13526) granting a pension to Levi N. Lunsford; and

A bill (H. R. 13537) granting an increase of pension to Elizabeth B. Busbee.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 5146) granting a pension to Mary J. McLeod, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5095) granting a pension to Jeremiah McKenzie; and

A bill (S. 5093) granting an increase of pension to Josiah F. Staubs.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 5094) granting an increase of pension to Samuel F. Baublitz, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4461) to provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 53) to provide for the abatement of nuisances in the District of Columbia, by the Commissioners of said District, and for other purposes, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 47) to create a board for the condemnation of insanitary buildings in the District of Columbia, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 14578) to provide for the establishment of a public crematorium in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 59) authorizing the Commissioners of the District of Columbia to establish building lines, reported it with an amendment to the title, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom the subject was referred, submitted a report, accompanied by a bill (S. 5448) to authorize the construction, operation, and maintenance of a telegraphic cable from Key West, Fla., to the United States naval station at Guantanamo, Cuba, and from thence to the Canal Zone on the Isthmus of Panama; which was read twice by its title.

COURTS IN ALABAMA.

Mr. PETTUS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5215) to fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes, to report it favorably with amendments, and I ask unanimous consent that it be presently considered. It is a very short bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the Committee on the Judiciary were, in section 2, page 1, line 13, after the word "the," to strike out "justice" and insert "judge;" and on page 2, line 2, after the word "presiding," to strike out "justice" and insert "judge;" so as to make the section read:

SEC. 2. That whenever the judge for the northern district of Alabama deems it advisable, on account of disability or absence, or of the accumulation of business therein, or for any other cause, that said court should be held by the judge of some other district or circuit court, he shall, in writing, request the presiding judge for the fifth judicial circuit of the United States to assign a judge to hold the term or terms of said court.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF NEW ORLEANS.

Mr. FRYE. I move that the bill (S. 411) to extend the limits of the port of entry of New Orleans be recommitted to the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5449) granting an increase of pension to Asher Drake;

A bill (S. 5450) granting an increase of pension to William T. Johnson; and

A bill (S. 5451) granting an increase of pension to Alexander C. Boner.

Mr. McCUMBER introduced a bill (S. 5452) granting an increase of pension to Thomas Armstrong; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KEAN (for Mr. DRYDEN) introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5453) granting an increase of pension to Jacob M. Pickle; and

A bill (S. 5454) granting an increase of pension to Florence Livingston Millen Mentz.

Mr. BEVERIDGE introduced a bill (S. 5455) granting a pension to Emily J. Alden; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5456) granting an increase of pension to Marcellus C. Cash; and

A bill (S. 5457) granting an increase of pension to Albert Teets.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5458) for the relief of Levi W. Stalnaker;

A bill (S. 5459) for the relief of the heirs of Abraham Parsons, deceased;

A bill (S. 5460) for the relief of the heirs of William Ewing, deceased;

A bill (S. 5461) for the relief of the heirs of Elias W. Phares, deceased;

A bill (S. 5462) for the relief of the heirs of Charles Ruffner, deceased;

A bill (S. 5463) for the relief of J. R. Clifford (with accompanying papers); and

A bill (S. 5464) for the relief of John Sharp and George Dickson (with accompanying papers).

Mr. MILLARD introduced a bill (S. 5465) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 5466) for the establishment of a general depot of the Quartermaster's Department of the United States Army at Omaha, Nebr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5467) granting an increase of pension to David B. Simmons; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 5468) granting an increase of pension to John M. Whitehead; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 5469) to authorize the Secretary of Commerce and Labor to investigate and report upon the industrial, social, moral, educational, and physical condition of woman and child workers in the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5470) granting an increase of pension to Josephine S. Jones;

A bill (S. 5471) granting a pension to William A. Johnson (with accompanying papers);

A bill (S. 5472) granting a pension to T. J. Sparks (with accompanying papers);

A bill (S. 5473) granting an increase of pension to James S. Hardy (with accompanying papers);

A bill (S. 5474) granting an increase of pension to James H. Webb (with an accompanying paper); and

A bill (S. 5475) granting an increase of pension to William C. Clark.

Mr. TELLER introduced a bill (S. 5476) for the relief of

Lawrence T. Fetterman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 5477) to provide for the purchase of a site and the erection of a public building thereon at Fort Collins, in the State of Colorado; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. FULTON introduced a bill (S. 5478) to provide for the purchase of a site and the erection of a building thereon at Eugene, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 5479) granting an increase of pension to William M. Favorite; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEARIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5480) granting a pension to William P. Heydon; and

A bill (S. 5481) granting a pension to John Brown Williams.

Mr. OVERMAN introduced a bill (S. 5482) granting a pension to Martha Jane Goddard; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5483) for the relief of Albert L. Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRAZIER introduced a bill (S. 5484) authorizing the Secretary of War to accept a tract of land at or near Greenville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5485) for the relief of the estate of Daniel B. Harold, deceased (with accompanying papers);

A bill (S. 5486) for the relief of Margaret E. Watkins, administratrix of Patrick Henry Watkins, deceased (with accompanying papers);

A bill (S. 5487) for the relief of the estate of Robert W. Smith, deceased (with accompanying papers); and

A bill (S. 5488) for the relief of the heirs of Hiram G. and Charlotte G. Robertson, deceased.

Mr. TALIAFERRO introduced a bill (S. 5489) to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami, in said district; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KNOX introduced a bill (S. 5490) for the relief of the estates of John McCloskey and John S. Cosgrave, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 5491) to correct the military record of John Walkinshaw and grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. CULLOM. I introduce a joint resolution, which I hope may be acted upon without delay.

The joint resolution (S. R. 46) to fill a vacancy in the Board of Regents of the Smithsonian Institution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress shall be filled by the reappointment of Andrew D. White, a citizen of New York, whose term expires June 2, 1906.

THE VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ELKINS submitted an amendment proposing to increase the salaries of the present two assistants detailed by the Librarian of Congress for service at the Library Station in the Capitol to \$1,500 each, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which

was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$600 to pay J. F. Sellers, S. A. Maryman, and F. L. Thompson for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the railway rate bill, intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment relative to the use of the money due the estates of deceased colored soldiers of the late civil war, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. KITTREDGE submitted an amendment proposing to appropriate \$3,000 for the protection and improvement of the sanitarium spring at the Battle Mountain Sanitarium, Hot Springs, S. Dak., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the issuance of patents in fee simple to Moses N. Vandel and certain other Yankton Sioux Indians for land heretofore allotted to them, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 20. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee; in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes; and

H. R. 15910. An act to amend the act entitled "An act to regulate commutation for good conduct for United States prisoners," approved June 21, 1902.

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

H. R. 9324. An act to authorize the Fayette Bridge Company to construct a bridge over the Monongahela River, Pennsylvania, from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County, was read twice by its title, and referred to the Committee on Commerce.

PROPOSED ISLE OF PINES INVESTIGATION.

The VICE-PRESIDENT. The Chair invites the attention of the Senator from Alabama [Mr. MORGAN] to the resolution submitted by him, providing for the appointment of a committee to make a careful investigation into the condition, etc., of the Isle of Pines.

Mr. MORGAN. The Senator from Ohio [Mr. FORAKER] and myself have agreed that the resolution shall lie on the table until called up.

The VICE-PRESIDENT. The resolution will lie on the table.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. MALLORY. I ask unanimous consent for the present consideration of the bill (S. 4250) to further enlarge the powers and authority of the Public Health and Marine-Hospital Service, and to impose further duties thereon. The bill was considered as in Committee of the Whole and amended on the 26th of March, and went over in order that it might be printed as amended.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BAILEY. I do not know what is the exact nature of the bill; but I am rather inclined to think that I agree with the Senator upon it.

Mr. MALLORY. I do not believe there is anything at all in the bill that the Senator from Texas objects to.

Mr. BAILEY. Upon that statement, I am not going to delay it.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask that House bill 12987, the unfinished business, be laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. BACON. Mr. President, I desire to present an amendment which I intend to offer to the pending bill. I ask that it may be read, printed, and lie on the table.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment.

The Secretary read as follows:

Insert the following:

"No rate or charge, regulation or practice prescribed by the Commission shall be restrained, set aside, suspended, or modified by any interlocutory or preliminary order or decree of the court, unless upon the hearing after such full notice to the Commission as herein prescribed, the same shall be considered and concurred in and ordered by at least two judges presiding in said hearing, at least one of whom shall be a judge of the circuit court of the United States or a circuit justice of the Supreme Court of the United States. In case any application, motion, or prayer for such interlocutory or preliminary order or decree shall be made by any party to such complaint other than the carrier or carriers to be affected by the rate or charge, practice or regulation in question prescribed by the Commission, then and in that case said carrier or carriers shall, before the hearing of said application, motion, or prayer, by appropriate order and process, be made a party or parties to the said complaint in equity to abide such orders and decrees as may be made by the court pending said cause and the final judgment and decree in the same. Upon the granting of any interlocutory or preliminary order or decree restraining, setting aside, suspending, or modifying any rate or charge, regulation or practice prescribed by the Commission, before said interlocutory or preliminary order or decree shall be operative or of any effect, the carrier, person, or corporation, other than a shipper or shippers, seeking such order or decree shall deposit in the registry of the court, and subject to the order thereof as hereinafter specified, the sum of \$50,000, either in lawful money of the United States or in lawful bonds of the United States at the par value thereof. It shall, in addition thereto, be the duty of the said carrier or carriers to be affected by the rate or charge, practice or regulation in question to pay into the registry of the court, subject to its order, the sums of money as herein specified, and to effectuate the same, at the time of granting such preliminary or interlocutory order or decree the court shall, by appropriate order, require the said carrier or carriers affected by the rate or charge, practice or regulation in question prescribed by the Commission to pay into the registry of the court and subject to its order, on or before the 10th day of each month pending the said interlocutory or preliminary order or decree, in lawful money of the United States, all money received by such carrier or carriers during the calendar month next preceding said date and subsequent to the date of filing said complaint from the collection made for all shipments upon the rates and charges in question in excess of the rates and charges as fixed and determined by the order of said Commission. On the said 10th day of each month there shall be filed in court by said carrier or carriers, through their duly authorized officer or officers, a statement under oath of the shipments on account of which said collections have been made, setting forth in detail the character and amounts of said shipments, the point of each shipment and of its destination, the names of the consignors and consignees, the amount collected from each for said shipment, and, separately, the excess collected as aforesaid, and the names of the persons from whom collected. The said court, at the time of granting said temporary or interlocutory order or decree, and in its discretion thereafter from time to time, shall require the said carrier or carriers to give such bond and security as may be deemed sufficient to insure the filing of said reports and the payment of said amounts, and in addition thereto shall, by the orders and processes of a court of equity, enforce summarily the prompt payment of said amounts into the registry of the court, from which orders of the court there shall be no appeal. Any refusal or failure to comply with said orders and to pay into the court the said sum of money as herein provided shall constitute a contempt of the court. For the purpose of said orders the court shall be deemed to be always in session. From said orders or decrees for the payment into court of the said amounts no appeal shall lie.

"If, upon the final decree in said cause, the rate or charge prescribed by the Commission shall be adjudged to be valid, the court shall by proper orders and decrees out of the said deposit or the proceeds of the sale thereof and the additional payments made into the court by the said carrier or carriers cause to be paid to each of the persons from whom collections have been made the several amounts paid by each of them to said carrier or carriers in excess of the said rate or charges prescribed by the Commission, with interest thereon from the date of each payment at the rate of 6 per cent per annum.

"If upon the final decree in said cause the rate or charge prescribed by the Commission shall be adjudged to be invalid and the enforcement of the same shall be enjoined, the court shall by proper orders and decrees direct to be paid over to the said carrier or carriers the sum of money thus theretofore deposited and paid into the registry of the court, less such amounts for costs as the court in its discretion, under the circumstances of any case, may, in justice and equity, deem to be reasonably chargeable to said carrier or carriers.

"Pending said cause, it shall be within the power of the court by appropriate proceedings, either in open court or through a master in chancery or commissioner, to examine into the correctness of the reports herein required to be made under oath by the said carrier or carriers, and to this end to examine under oath their officials and employees, and to require by order the production of the books and papers of said carrier or carriers.

"If, upon the said examination, it shall be adjudged that the said carrier or carriers have not made complete returns of all of said shipments and the amounts collected thereon, as herein specified, the court shall by order require the said carrier or carriers to pay into the registry of the court in lawful money of the United States the amount received on account of said shipments in excess of the amounts theretofore reported to the court."

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. FULTON. Mr. President, in discussing the pending measure I do not purpose entering upon any argument or attempt to prove either the necessity or the importance of additional legislation for the purpose of providing a wider and stricter regulation and control of the persons engaged or the instrumentalities employed in conducting commerce among the States. I assume that it is the consensus of opinion here, as it unquestionably is throughout the country, that legislation of such character is not only desirable, but necessary, and that we believe, as the people believe, the time has come when a more strict and systematic regulation and control of the great transportation lines of this country engaged in interstate commerce should be exercised by the Federal Government. This conviction in the public mind has been of slow growth, but it is the result of profound deliberation, thought, and study.

It would not be accurate to say that the suggestion of government control and regulation of rates, fares, and charges of transportation lines is a suggestion of a new governmental policy, because in truth it is a policy that has obtained in many of the States for a considerable period of time; it is a policy that was long since adopted by many of the leading countries of Europe, and is still adhered to in one form or another. That it is a problem replete with difficulties and perplexing questions, particularly in this country, with its wide area and vast internal commerce, is quite generally conceded. Hence it is not surprising that even among those who are most earnestly favoring legislation of this character there should be wide differences of opinion touching the methods to be employed, nor is it any impeachment of one's sincerity or zeal that his ideas upon a subject so fraught with difficulties and complex questions should not be in accord with the views or convictions of some other person or of many other persons. Nor should the public conclude that simply because the members of a legislative body, confronted with a great governmental policy or proposed policy such as this are disposed to move slowly in solving it, to study it from every possible point of view, that they are wanting in either earnestness or patriotism.

It is quite true, Mr. President, that there is a school of philosophers and magazine essayists who have discovered not the slightest difficulty in determining just exactly what should be done in this matter, and how it should be done. They do not admit that there is any excuse whatever for a moment's delay in the enactment of the legislation. I am frank to confess, Mr. President, that I am not so happily or fortunately constituted, nor am I sufficiently supplied with the quality of gray matter that is necessary to so ready and easy a solution of the grave governmental and constitutional questions which are presented by this inquiry.

I have given during the last several months such time as I have been able to spare to the study and investigation of a few only of the numerous questions involved, and I can not say that I have yet reached a perfectly satisfactory conclusion concerning all of them.

I do not expect, Mr. President, to be able to contribute a single original thought or suggestion to this discussion or to change or influence the views of any member of this body. I only hope to be able so to express my own views that I will have furnished a reasonably clear explanation of my motive for the votes that I shall cast during the progress of this legislation.

I hear Senators referred to on the one hand as railroad Senators and on the other hand as the foes or opponents of corporations. I sincerely trust that I am neither. I hope that I am a friend of railroads and of every other legitimate commercial and industrial enterprise. I would not knowingly cast a vote the effect of which would be to embarrass or cripple any legitimate industry or business. We are called upon, however, by legislation to regulate the conduct of individuals, and in a greater or less degree every character of business. That we find it necessary to exercise a higher degree of care and to provide for a wider control and regulation of so-called "public-service corporations" than of other business enterprises is due entirely to the fact that the relation of these corporations to the public is in a large degree that of governmental agencies, clothed in a great measure with governmental powers. But in enacting legislation of this character we must take care that we neither sacrifice the interests of the public, on the one hand, nor render it impossible, on the other hand, for those who have invested their money, their savings, and their earnings in these corporations to earn a just and reasonable compensation for the services that they perform. To do the one would be to prove false to the trust with which we are charged. To do the other would be at once to discredit ourselves and our country.

I have not the slightest patience with the cry that simply be-

cause a Senator favors this bill or that, or opposes this measure or that, he is necessarily and ipso facto the tool, the agent, or the representative of some peculiar or special interest. I am very confident that every Senator in this body in casting his vote upon this question, as upon every other, will so cast it as to represent, according to his best judgment and according to his conscience, the people whose duty it is for him to represent here. That there should be wide differences of opinion is not surprising. A man who comes from a purely commercial center is naturally imbued with ideas and convictions that prevail there; a man who comes from a manufacturing center is quite naturally influenced in a large measure in his convictions by the convictions that prevail there; and so a man who comes from an agricultural section is influenced largely by the views that are entertained there touching public questions and matters of legislation. Were this not true, we would not be representing our constituents. I make no pretense that my judgment is not influenced—I know it must be, though perhaps unknown to me influenced very largely—on questions of public policy by what seems to be the judgment and the wishes of the people I in part represent.

I honor the man, Mr. President, who has the courage of his convictions. It may be unpopular for the moment for him to advocate them, but I believe in the principle of eternal justice, and I believe that justice will ultimately prevail and the time will come when he will be recognized and honored because of the courage he displayed in standing for his convictions.

Mr. President, as I have said, I do not purpose entering into a discussion to show the importance of this character of legislation, nor do I purpose taking up the various and different provisions of this proposed act. The real primary purpose of this measure is to empower the Railway Commission when a rate shall be challenged, or when on investigation it shall determine that a rate or practice of a transportation company is unreasonable or unjust, to substitute therefor a just and reasonable maximum rate, or what it deems to be a just and reasonable regulation in lieu of that which has been established by the carrier. That is the prime object of this proposed legislation.

There are various provisions of the bill which are designed to aid in carrying out the main purpose, but the wording of those provisions will not become important until we shall have determined the principle upon which we shall legislate. The real controversy here, after all, is whether or not we shall provide in this bill for a judicial review of the orders of the Commission. There are some who contend that, as a matter of principle, a matter of justice, and a matter of right, there should be a broad and unlimited review by the courts. There are others who contend not only that a wise public policy requires such review, but that no bill will be in conformity to the Constitution that does not contain some such provision. On the other hand are those who contend that it is unnecessary to provide for a court review in the bill, because it is unwise, as a matter of public policy, to grant the right of review beyond what is necessary to protect the carrier in the enjoyment of his or its constitutional rights and privileges; and they contend that a law which is silent on the subject of review permits such review to the extent that it may be necessary in order to protect all of the constitutional rights of the carrier.

Again, there are some who favor the plan of the distinguished Senator from Ohio [Mr. FORAKER], which, in brief, is that the Commission shall be charged with the duty of prescribing and recommending reasonable rates and practices in lieu of unreasonable rates and practices established by the carrier, and if the carrier shall fail to put the rate or regulation so prescribed by the Commission in effect after due notice, it shall be the duty of the Commission to institute a suit to put in force a reasonable rate or regulation, and it shall be the duty of the court to ascertain and decree what the reasonable rate or practice is. Personally I favor practically the bill which passed the House and has been reported by the Committee on Interstate Commerce of this Senate. If, however, a provision for unlimited review is to be adopted and attached, I will frankly say then I prefer the plan of the Senator from Ohio. It is my belief and conviction, however, that the wiser plan is to provide for no method of review, leaving the law silent on this subject, which will have the effect of making all rates and regulations of the Commission conclusive, excepting such as shall invade the constitutional rights of the carrier; that is to say, if a rate or regulation shall be of such a character as to render it impossible for the carrier complying therewith to earn a sufficient income to meet its legitimate and proper expenses, and to pay a reasonable, fair profit on the value of its property, it might be said, and probably would be said, by the courts that the rate or regulation was unreasonable to the extent that it amounted to a taking of private property for public use without just compensation.

In such case the Commission would be acting in violation of the law, because the law will require it to prescribe just and reasonable rates and regulations, and hence the carrier would have, under the general law and the Constitution, the right to restrain in a court of equity the enforcement of any such order of the Commission. I think I have now stated the real issues here.

Mr. President, it has been contended here by able lawyers that a law which is silent on the subject of court review—that is, which contains no provision authorizing a judicial review and prescribing the method thereof—is equivalent to a denial in terms of such right and is in contravention of the Constitution.

The other day, in that splendid argument made by the distinguished Senator from Pennsylvania [Mr. KNOX], by which he so charmed and instructed us all, he said:

It is obvious that a law conferring the tremendous power which it is proposed by all the bills under consideration to confer upon the Commission, to substitute one rate or practice for another, must be drawn upon one of two theories: Upon the theory that the order of the Commission shall be final and not reviewable by the courts or upon the theory that it shall be reviewable by the courts.

If the Senator meant, as I conclude he did from that which follows, that any bill which is silent touching the right of review is necessarily a bill which denies the right of review and makes the rate and rules and regulations established by the Commission conclusive, then, much as I regret to say it, because I have the highest regard for the great abilities of the distinguished Senator, I can not agree with that conclusion; I do not believe it is a just conclusion, nor do I believe that it is sustained by the authorities.

Before passing, however, to the discussion of that question, I wish to refer for a moment to the somewhat remarkable and antagonistic arguments, not to say the inconsistencies, that our friends who are opposing this measure have drifted into during the course of this discussion. For instance, the other day when the distinguished Senator from Texas [Mr. BAILEY] was discussing his proposed amendment, a colloquy occurred between him and the Senator from Pennsylvania, during which the latter said:

Now, in conclusion, I wish to say if there is anything in relation to this proposed rate legislation that is thoroughly misunderstood throughout the country it is this. You stop ten men on the street, and nine of them will tell you that there is a party here contending for the right to review the orders of the Commission in the court, and there is another party contending that the orders of the Commission shall be final. I say the real issue here is between this absolutely recognized, unrestricted jurisdiction of the circuit courts in the Hepburn bill and the restrictions proposed to be placed upon it both by the amendment of the Senator from Texas and the bill I had the honor to propose to the Senate.

The Senator from Texas immediately and very earnestly concurred in that statement. So we see that on the 21st day of March these two distinguished Senators were a unit in the contention that the Hepburn-Dolliver bill is wide open, fairly rioting in provisions for review, and they were joining hands in an earnest effort to restrict it within the limits of moderation and sobriety.

But later on my friend the Senator from Pennsylvania, in that great argument which he delivered—and it was a great argument, one of the most beautiful to which I ever listened—said of the Hepburn-Dolliver bill:

I have ventured the opinion heretofore that I regarded the bill under consideration unconstitutional. I now repeat that opinion, and for the following reasons:

First. It does not provide any method for challenging the unlawfulness of the orders of the Commission in a direct proceeding against the Commission.

Second. It prohibits the parties affected and aggrieved by the Commission's orders from defending proceedings to enforce them upon the ground of their unlawfulness.

It is not possible to find in the bill a single word conferring jurisdiction upon any court to entertain a suit of any party aggrieved by any order of the Commission.

So it appears that after all the Hepburn-Dolliver bill is not such a wide-open review bill as we were told it was some days before. At that time, during the discussion of the proposed amendment by the Senator from Texas, I took occasion to suggest that in my judgment the Hepburn-Dolliver bill, being silent on the question of court review, allowed and permitted only such review as would be necessary to a party to protect his constitutional rights and privileges; that the amendment suggested by the Senator from Texas and the bill introduced by the Senator from Pennsylvania each proposed to allow all the orders of the Commission to be reviewed, and, therefore, that each necessarily proposed an enlargement of the right of review over and above that provided for, contemplated, or permitted by the Hepburn-Dolliver bill. Such was my conviction then, and such is firmly my judgment now.

Mr. KNOX. Mr. President—

The PRESIDING OFFICER (Mr. KITTREDGE in the chair). Does the Senator from Oregon yield to the Senator from Pennsylvania?

Mr. FULTON. Certainly.

Mr. KNOX. It is just to set the Senator right. I am sorry to say that I shall be compelled to class the Senator from Oregon among the nine men out of the ten who misunderstand the situation. I expressly stated, and stated in my remarks the other day with some elaboration, that I was discussing the Hepburn-Dolliver bill as construed by its proponents and not as I construed it, because I expressly said, in referring to the fact that they claimed that there was the right to go into court, that if that were true then that right was absolutely unrestricted by the Hepburn bill. And I followed it by this expression, that "of course I am not contending that it contains any such right."

I only wish to set the Senator from Oregon right on that subject, because I know he does not wish purposely to misrepresent anything I have said.

Mr. FULTON. Certainly not. I could not do it if I would, because it is all in the RECORD, and I would not do it if I could. I assure the Senator of that. I read from the RECORD that which purported to be a quotation from what the Senator said. I have no disposition, however, to place any construction on it. I supposed that was the construction the Senator intended. It was certainly the fair construction of the language which I read.

Mr. KNOX. Mr. President—

Mr. FULTON. Will the Senator allow me, and then he can make his explanation?

I was going to say that the Senator will remember that the first extract which I quoted was from his colloquy with the Senator from Texas. That is the time when he said that the Hepburn-Dolliver bill provided for unrestricted review, while his bill and the amendment of the Senator from Texas proposed to restrict the right of review. That is what I referred to. If I have misrepresented the Senator, I will be glad to have him correct me.

Mr. KNOX. Of course that which is said in colloquy must be taken in connection with that which has been said before or afterwards bearing upon the same subject and more in extenso. Prior to my interruption of the Senator from Texas the other morning, in which I used the language you have correctly read, I had already stated on a previous occasion that if the Hepburn-Dolliver bill were to be construed—and I think I read what Mr. HEPBURN said about it, and made some reference to what the Senator from Iowa and the Senator from Minnesota had said about it—that if it were to be construed as they construed it, there was absolutely no limitation upon the power of the court, and the court could issue an injunction on any application without any restriction whatever, without requiring any bond to be made or any cash to be paid into the court for the protection of the shipper.

Now, the other day when I was speaking—

Mr. FULTON. I know what the Senator said later on; that is, the next time he spoke. I recall very distinctly that he then said that there is no provision for a review in the Hepburn-Dolliver bill.

Mr. KNOX. Then you understand my position correctly.

Mr. FULTON. I quoted that a moment ago. The Senator, perhaps, did not understand me. I only trust that the Senator will not think for a moment that I was endeavoring to misrepresent him.

Mr. KNOX. Certainly not.

Mr. FULTON. I would not do that, and I hope the Senator believes I would not. I thought, perhaps, from the quotations that the Senator had changed his view. It is no offense or crime for one to change his views. But I do not charge that he has done it here.

Mr. KNOX. If I may be permitted to interrupt the Senator once more—

Mr. FULTON. Certainly.

Mr. KNOX. I will say I not only have not, but I am even more confirmed in it than ever.

Mr. FULTON. It is my contention—and that is the question I propose to discuss here—that it is not a wise public policy to grant the unlimited privilege or right of review. I am ready to concede that every man is entitled to be protected in the enjoyment of his constitutional rights, and that no attempt should be made to deprive any person of his property without the just compensation required by the Constitution, but it is my conviction that under this bill, as it stands, every right of that character is fully and amply protected.

To whatever extent judicial review is necessary in order to protect a carrier in the enjoyment of his or its constitutional

rights, I stand for. But manifestly, as I shall attempt to show, there are numerous regulations it will become the duty of the Commission from time to time to prescribe that are purely administrative in character. In the matter of discriminations, for instance, between persons in the sale of tickets; in the matter of passenger accommodations; in the matter of furnishing cars; in the matter of rebates, side-track connections, and numerous regulations of like character, all purely administrative, into which the questions of deprivation of property or of taking property without just compensation can not possibly enter, the orders of the Commission should be final, and they will be under this bill, for relative thereto no constitutional question can arise. Whenever constitutional rights shall be invaded the carrier will have, as I shall undertake to prove, under this bill as it now stands, the right to invoke judicial review of the Commission's orders.

That right he should have; that right we can not, and there is no attempt in this bill, to deny. Beyond that it seems to me he ought not to be permitted to go.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. FULTON. Certainly.

Mr. SPOONER. Is there anything in this bill which authorizes the Interstate Commerce Commission to be sued?

Mr. FULTON. No; not directly, and I do not think there is any necessity for such an authorization.

Mr. SPOONER. Does the Senator mean by that that the Commission can be sued without Congressional authority?

Mr. FULTON. I think so; I have no doubt about it.

Mr. MORGAN. Is it a corporation or a court?

Mr. FULTON. It is an administrative body; that is all it is. It is certainly not a court. It may be said to possess some quasi judicial powers and some quasi legislative powers.

Mr. SPOONER. It is a governmental administrative body without any interest in the subject-matter. Does the Senator think that without any Congressional authority that body can be made defendant in a law suit?

Mr. FULTON. I have no doubt about it. I had not intended to take up that question at this point, but I would just as soon take it up here as elsewhere.

Mr. SPOONER. I beg pardon of the Senator.

Mr. FULTON. Now, in *United States v. Lee* (106 United States, 206) that question is discussed. I suppose, and I want to know if I understand the Senator. I assume that his contention of immunity for the Commission from suits and actions in the courts is on the ground that it is a part of the sovereign power or is exercising a part of the sovereign power and represents the nation; that it stands in such relation to the Government that it may claim the same immunity the Government enjoys in the matter of suits. Is that what the Senator contends?

Mr. SPOONER. I am asking the Senator a question.

Mr. FULTON. But I want to know what the Senator contends. At least, I should like to know. Of course the Senator is not required to say.

Mr. SPOONER. It is a governmental agency, and the power which it exercises is the power of the Government—

Mr. FULTON. Yes; and if the Government can not be sued—

Mr. SPOONER. Well, the Government can be sued, if the Government consents.

Mr. FULTON. Yes; if it consents. It can not be sued unless it does consent.

Mr. SPOONER. Does the Senator hold that if there was nothing in the legislation which directly or inferentially authorized this agency of Government to be sued it could be sued?

Mr. FULTON. That is, if there is nothing of a specific character or by necessary implication authorizing it?

Mr. SPOONER. Yes.

Mr. FULTON. Yes; I think it could be sued anyway. Now, let me say—

Mr. BACON. Will the Senator pardon me for just a moment?

Mr. FULTON. In just a second. Let me answer the question. All questions of that character, however, simply go to the verbiage or phraseology of the bill and do not rise to the dignity or importance of a principle. So it is not really important anyway. I now yield to the Senator from Georgia.

Mr. BACON. The issue between the Senator from Wisconsin and the Senator from Oregon would be simplified if the suggestion were made that the Senator from Wisconsin certainly does not mean by his inquiry whether the Commission could be sued to recover damages or anything of that kind, but the Senator limits the inquiry—

Mr. FULTON. Whether they can be made a party?

Mr. BACON. To the question whether the Commission is

subject to legal process to restrain it from encroachment upon constitutional rights. That I understand to be the question.

Mr. FULTON. I understand that that was what the Senator meant.

Mr. SPOONER. That is what I meant.

If it will not bother the Senator, I should like to say a word.

Mr. FULTON. Not at all.

Mr. SPOONER. It is not by any means a mere question of verbiage. The Senator would concede that if the verbiage precluded suits against the Commission, so that there was no way in which the question could be raised in any lawsuit, because there must be parties, the plaintiff and the defendant, then the proposed act would not be valid. The question is whether the verbiage of the proposed act or of the existing law is such that the validity of an order made by the Commission can be tested in a suit in which the Commission is the defendant. That is the question.

Mr. SPOONER. To which the Commission is made a party.

Mr. FULTON. Yes.

Mr. FULTON. What I meant by saying that it is a mere matter of verbiage or phraseology in the bill is that if it is necessary to say "in a suit for review, the Commission may be made a party," it would not affect the principle I am discussing. That provision might be inserted, and yet unrestricted review be not granted.

Mr. SPOONER. No; if that provision is not made, and if the Commission can not be sued, is it not true—

Mr. FULTON. I think unquestionably if it is true, as the Senator contends—

Mr. SPOONER. Oh, no; I am not contending; I am asking. Mr. FULTON. Very well; if it is true, as the Senator implies by his question, that the Commission could not be made a party to a suit to test the constitutionality of the act, and that there was no way by which you could bring the Commission into court in order to review the proceedings, I think if the proposed act denied that, it would be unconstitutional. But one would naturally wonder how the carrier would ever get it declared unconstitutional if it could not make the Commission or anybody a party to a suit.

Mr. SPOONER. If you could not make anybody a party to a suit to test the validity of the order, it would be equivalent to making the rate fixed by the Commission conclusive, would it not, and that would be unconstitutional?

Mr. FULTON. I will grant that, but I contend that the Commission may be made a party without any specific provision authorizing it. I cite the Senator, in the first place, to the case of *United States v. Lee*.

Mr. SPOONER. I know that case.

Mr. FULTON. No doubt the Senator knows it. In that case an action was brought in ejectment against certain Government officials, who were in possession of real estate, who answered that it was the real property of the United States. They personally made no claim of title or interest whatever to the property, they were simply in possession as agents representing the Government, holding the property for the Government. The court discussed at great length whether or not that afforded them immunity from a suit by the claimants. The court reviewed the question as to when a Government or its agent is immune against suit. It says:

It is obvious that in our system of jurisprudence the principle is as applicable to each of the States as it is to the United States, except in those cases where by the Constitution a State of the Union may be sued in this court.

That is, by another State.

I read that simply for the purpose of showing that the same rule applies to a State that applies to the nation, and the same rule protects officials and representatives of a State that protects the United States and its representatives from being subjected to legal proceedings.

Mr. SPOONER. Will the Senator allow me just a moment?

Mr. FULTON. Will the Senator permit me to finish from this authority?

Mr. SPOONER. Yes.

Mr. FULTON. This authority goes on to discuss the constitutionality of the question of extending immunity to officials standing as they did in relation to Government property, and the court shows clearly that it would be in contravention of the Constitution of the United States to hold that persons standing in that relation might not be made parties defendant when a person comes into court and alleges he is being deprived of his property without just compensation.

Does the Senator claim or contend that should a carrier file his bill of complaint in equity, seeking to enjoin the Commission from enforcing an order made by it which it is alleged is in violation of that provision of the Constitution which prohibits private property being taken for a public use without just com-

pensation, that the Commissioners could lawfully answer, "We are Government agents, and you can not sue us," and that would defeat the suit? They are Government agents at best only in the constitutional discharge of their duties. They are not Government agents when violating the Constitution. The court says further:

The objection is also inconsistent with the principle involved in the last two clauses of Article V of the amendments to the Constitution of the United States, whose language is: "That no person * * * shall be deprived of life, liberty, or property without due process of law, nor shall private property be taken for public use without just compensation."

Conceding that the property in controversy in this case is devoted to a proper public use, and that this has been done by those having authority to establish a cemetery and a fort, the verdict of the jury finds that it is and was the private property of the plaintiff, and was taken without any process of law and without any compensation. Undoubtedly those provisions of the Constitution are of that character which it is intended the courts shall enforce when cases involving their operation and effect are brought before them. The instances in which the life and liberty of the citizen have been protected by the judicial writ of habeas corpus are too familiar to need citation, and many of these cases, indeed almost all of them, are those in which life or liberty was invaded by persons assuming to act under the authority of the Government. (Ex parte Milligan, 4 Wall. 2.)

If this constitutional provision is a sufficient authority for the court to interfere to rescue a prisoner from the hands of those holding him under the asserted authority of the Government, what reason is there that the same courts shall not give remedy to the citizen whose property has been seized without due process of law and devoted to public use without just compensation?

I call the Senator's attention to that, and then I call his attention also to the case of *Reagan v. The Farmers' Loan and Trust Company*, with which the Senator is perfectly familiar also. It is found in 154 United States, page 388. In that case suit was brought against the railway commission of the State of Texas and the attorney-general of the State to enjoin them from enforcing the orders made by the commission prescribing a schedule of rates; and I want you to keep in mind that the Supreme Court said in 106 United States, from which I have just read, that the same rule applies to the State, under this doctrine of immunity from suit, that applies to the General Government. Now, with that enunciation of the doctrine in mind, I invite your attention to what the court said in 154 United States, as to whether the railroad commissioners might be made parties to a suit to review the orders of the Commission:

We are met at the threshold with an objection—that this is in effect a suit against the State of Texas, brought by a citizen of another State, and, therefore, under the eleventh amendment to the Constitution, beyond the jurisdiction of the Federal court. The question as to when an action against officers of a State is to be treated as an action against the State has been of late several times carefully considered by this court.

Of course if there had been consent by the State to be sued, there would have been no need of discussing this proposition in that case, and hence we may assume there was no such consent.

The question as to when an action against officers of a State is to be treated as an action against the State has been of late several times carefully considered by the court, especially in the cases of *In re Ayers* (123 U. S., 443) by Mr. Justice Matthews, and *Pennoyer v. McConaughy* (140 U. S., 1) by Mr. Justice Lamar.

They then review the authorities at some length, and conclude thus:

Appellants invoke the doctrines laid down in these two quotations and insist that this action can not be maintained because the real party against which alone in fact the relief is asked and against which the judgment or decree effectively operates is the State, and also because the statute under which the defendants acted and proposed to act is constitutional, and that the action of State officers under a constitutional statute is not subject to challenge in the Federal court. We are unable to yield our assent to this argument. So far from the State being the only real party in interest, and upon whom alone the judgment effectively operates, it has in a pecuniary sense no interest at all.

Then, continuing, they say:

It is not nearly so much affected by the decree in this case as it would be by an injunction against officers staying the collection of taxes, and yet a frequent and unquestioned exercise of jurisdiction of courts, State and Federal, is in restraining the collection of taxes, illegal in whole or in part. Neither will the constitutionality of the statute, if that be conceded, avail to oust the Federal court of jurisdiction. A valid law may be wrongfully administered by officers of the State, and so as to make such administration an illegal burden and exaction upon the individual.

And that is what I want to call the Senator's particular attention to. A valid law may be unconstitutionally administered by the Commission, and when they step outside of their statutory authority they cease to be entitled to plead their official character as Government agents and immunity from suit.

The court further says:

A tax law, as it leaves the legislative hands, may not be obnoxious to any challenge, and yet the officers charged with the administration of that valid tax law may so act under it in the matter of assessment or collection as to work an illegal trespass upon the property rights of the individual.

And so I say here, these Commissioners might so execute the trust confided to them as to trespass upon the property and rights of the individual, the carrier.

They may go beyond the powers thereby conferred, and when they do so the fact that they are assuming to act under a valid law will not oust the courts of jurisdiction to restrain their excessive and illegal acts.

And in *Smyth v. Ames* (169 U. S., 518), which was also a suit to enjoin a railroad commission, the court said:

Another question of a preliminary character must be here noticed. The answer of the officers of the State in each case insists that the real party in interest is the State, and that these suits are, in effect, suits against the State, of which the circuit court of the United States can not take jurisdiction consistently with the eleventh amendment of the Constitution of the United States. This point is, perhaps, covered by the general assignments of error, but it was not discussed at the bar by the representatives of the State board. It would therefore be sufficient to say that these are cases of which, so far as the plaintiffs are concerned, the circuit court has jurisdiction not only upon the ground of the diverse citizenship or alienage of the parties, but upon the further ground that as the statute of Nebraska, under which the State board of transportation proceeds, is assailed as being repugnant to rights secured to the plaintiffs by the Constitution of the United States, the cases may be regarded as arising under that instrument. But to prevent misapprehension we add that, within the meaning of the eleventh amendment of the Constitution, the suits are not against the State, but against certain individuals charged with the administration of a State enactment, which, it is alleged, can not be enforced without violating the constitutional rights of the plaintiffs. It is the settled doctrine of this court that a suit against individuals for the purpose of preventing them as officers of a State from enforcing an unconstitutional enactment to the injury of the rights of the plaintiff is not a suit against the State within the meaning of the amendment. (*Pennoyer v. McConaughy*, 140 U. S., 1, 10; *In re Tyler*, 149 U. S., 164, 190; *Scott v. Donald*, 165 U. S., 58, 68; *Tindal v. Wesley*, 167 U. S., 204, 220.)

Now, if that is true of a State commission, and if it is true, as the Supreme Court says, that State officers are entitled to the same protection under this rule of immunity from suit that United States officials are, I ask the Senator why that doctrine does not apply to a commission created by Congress?

Mr. SPOONER. Will the Senator permit me for a moment?

Mr. FULTON. With pleasure.

Mr. SPOONER. With reference to the case of the United States against Lee, that was an action of ejectment—

Mr. FULTON. Yes.

Mr. SPOONER. Brought by the owner against certain persons in possession of Arlington, the homestead of General Lee.

Mr. FULTON. Against certain officials.

Mr. SPOONER. Against certain persons. Of course, in an action of ejectment the plaintiff must recover upon the strength of his own title and not because of the weakness of his adversary's title. The defendants answered, and it was otherwise brought to the attention of the court by the Attorney-General, that these officials, the defendants, were holding for the Government of the United States. The Supreme Court of the United States upheld in that case the doctrine that except where Congress has provided the United States can not be sued. But—

That doctrine has no application to officers and agents of the United States who, when as such holding for public uses possession of property, are sued therefor by a person claiming to be the owner thereof or entitled thereto; but the lawfulness of that possession and the right or title of the United States to the property may, by a court of competent jurisdiction, be the subject-matter of inquiry and adjudged accordingly.

If that had not been the law, although the tax for which the homestead of General Lee had been sold had been tendered, he would have been remediless. The right to bring an action of ejectment against persons in possession is one thing. The right to bring suit to enjoin a governmental body—an administrative body, if you please—which has under authority of law fixed the price, a just compensation, which its owner is entitled to for private property taken for public use, is another thing, is it not?

Mr. FULTON. There may be a distinction, but I doubt if there is a difference.

Mr. SPOONER. If the Senator will look at the *McChord* case, decided by the Supreme Court of the United States, he will see, I think, for he is an excellent lawyer, that there is not only a distinction, but a difference.

Mr. FULTON. I have looked at the *McChord* case.

Mr. SPOONER. And is it not wise, in view of the fact that it is the purpose of Congress (and if it is not the purpose of Congress the proposed act would be void beyond any possible question) to furnish an opportunity to raise the question in the courts of the United States, to make it clear in the statute, by adequate provision, that it may be done? That is my point.

Mr. FULTON. I stated to the Senator that was a mere question of wording which does not one way or the other enter at all into the principle for which I am contending. But I have no guardianship over this bill, and I have no objection to an amendment of it that will make this proposition perfectly clear to grant the consent, if you please, of Congress to make the Commission a party to any suit necessary to protect the carrier in the enjoyment of his constitutional rights and the possession of his property. Some such amendment as that I would have no objection to. But I do hold that it is not necessary. I can not admit that it is necessary. I contend that this principle of

immunity of the sovereign power from suits in the courts does not extend to Government agents such as these Commissioners would be, and I think the cases I have read in connection with the Reagan case and *Smyth v. Ames* very clearly show that.

Will the Senator tell me whether there is any difference in the relation occupied by a railroad commission of a State created by the State legislature to the State than the relation of a commission created by Congress to the General Government? The relation of the one to the sovereign power that creates it is exactly the relation of the other to the sovereign power that creates it. If a suit may be maintained to restrain a State commission from the exercise of unconstitutional and unwarranted powers, without the consent of the State equally and upon the same principle a suit may be maintained against a commission created by Congress to restrain it from the exercise of unconstitutional and unwarranted and usurped power.

But that is really not a very material question, because if it be a defect in the bill it is one that is easily remedied without destroying the principle for which its friends contend.

Now, Mr. President, I was diverted by that suggestion—

Mr. TILLMAN. Before the Senator leaves that question, I just want to throw out a suggestion for the discussion of my two learned legal friends here to see how they will handle it. I am just reading here section 3224, which relates to the collection of internal-revenue taxes:

No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

Now, there is a direct prohibition against a court intermeddling with the collection of taxes. Taxes are levied by Congressional action, by law, and the officers of the Government assess and collect them. Here is a direct prohibition that such officers shall not be intermeddled with by the courts either by a suit or by a restraining order. I just want to know if that applies at all in this connection.

Mr. FULTON. I will say to the Senator from South Carolina that I can not myself see that it has any application here.

Mr. TILLMAN. Here are the officers of the Government who are going to collect these taxes. Are they not acting under an act of Congress, and would not this Commission which does this duty of lowering a rate be a creature of Congress? If you can not sue one, why do you have to sue the other to get your law constitutional?

Mr. FULTON. The Senator, I think, has probably this idea, that by analogy—

Mr. TILLMAN. I am reading it by analogy only.

Mr. FULTON. The legislative power had to make a prohibition against suits being maintained against tax collectors in order to prevent such suits.

Mr. TILLMAN. Undoubtedly.

Mr. FULTON. Therefore if a suit might be maintained in the absence of a prohibition against the tax collector (as such legislation assumes), it might be maintained against persons occupying the relation of this Commission. I suppose that is the Senator's idea.

Mr. TILLMAN. That is the idea I had in mind. The Senator from Wisconsin is contending that it will be unconstitutional for us to pass an act here that does not recognize the right to sue this creature of Congress. I just wanted to know why the same principle will not apply in the collection of taxes, which are levied by Congress, just as the rate will be fixed by Congressional action.

Mr. FULTON. I feel justified in saying on behalf of the Senator from Wisconsin that he has abandoned that contention.

Mr. SPOONER. Oh, no.

Mr. TILLMAN. I leave you two gentlemen, then, to discuss it.

Mr. FULTON. I thought the Senator from Wisconsin had abandoned it, or would under the light of the authorities I have cited and quoted.

Mr. SPOONER. I say this—and the Senator from Oregon agrees with me; he must do so—

Mr. FULTON. I must if you say so.

Mr. SPOONER. You must, because you are a good lawyer.

Mr. FULTON. When the Senator says that, I must agree to anything.

Mr. SPOONER. If there were no provision made for testing the lawfulness of an order made by the Commission in the courts—and I know no way by which that could be done except by authorizing suit to be brought against the Commission—the act would not be valid.

Now, I want to say to the Senator from South Carolina, if the Senator from Oregon will permit me—

Mr. FULTON. Certainly.

Mr. SPOONER. It will take but a moment.

Mr. FULTON. That is all right.

Mr. SPOONER. Exception has been made in all the decisions between a proceeding for the collection of taxes, which, in the very nature of things, must be summary, and a proceeding to take property for public use. In other words, the exercise or the quasi-exercise directly of the power of eminent domain.

Mr. FULTON. Yes; there is unquestionably a distinction.

Mr. TILLMAN. Congress is empowered under the Constitution to collect taxes and to regulate commerce. Both these powers are in the same section. It is a part of the power of Congress to levy taxes and to regulate commerce. Under the power to levy taxes the officers, the creatures of Congress in levying and collecting taxes, are protected even against being sued, much less against being enjoined, and they go right forward and take private property for public use, and the taxpayer has no redress whatever.

Mr. SPOONER. The Senator ought to know that the tax proceeding is entirely different. Under the decisions—

Mr. TILLMAN. There you come with your decisions. I am getting back to the common sense of it now.

Mr. SPOONER. Where the Senator's common sense differs from the legal—

Mr. TILLMAN. Of a common sense.

Mr. SPOONER. No; from the common sense of the legal standpoint of the Supreme Court of the United States. I, with due deference to him—

Mr. TILLMAN. Brush mine aside, of course.

Mr. SPOONER. I feel constrained to give greater respect to the decisions of the Supreme Court of the United States.

Mr. TILLMAN. Undoubtedly.

Mr. SPOONER. I say to the Senator the Supreme Court has made a clear distinction, so far as due process is concerned, between the collection of taxes and the sale of property for a non-payment of taxes and the exercise of the power which is under discussion here.

Mr. FULTON. Now, Mr. President—

Mr. TILLMAN. Of course I do not want to interfere with the Senator from Oregon.

Mr. FULTON. If I may be allowed to exercise my function of umpire and declare this a draw, I will proceed with my argument.

Mr. SPOONER. You declare it a draw?

Mr. FULTON. I really think the Senator from Wisconsin has the better of the argument up to this time, but I do not know how long that will continue and therefore I want to stop the contest.

Now, in line with the question we were discussing of the right of a party to prosecute a suit in equity and make the Commission a party without the consent of the Commission or without the consent of Congress, and without any provision of law authorizing it, I call the Senator's attention to the opinion of Justice Miller in concurring in the case of *Chicago, etc., Railway Company v. Minnesota*, page 459 of 134 United States Reports, being the case we commonly refer to as the "Minnesota case." It was a case where the railway commission of Minnesota had prescribed certain rates which the supreme court of the State of Minnesota held were conclusive. That court held that the court could not inquire into the justice or injustice of such rates, but that they were conclusive on the court and must stand. The Supreme Court of the United States held, of course, that if that was the true construction of the statute it was unconstitutional, and that it (the Federal Supreme Court) is bound by the construction placed on a State statute by the supreme court of such State, which, of course, is the acknowledged rule. But Justice Miller, while he said he concurred with some hesitation in the judgment of the court reversing the case, made this statement:

1. In regard to the business of common carriers limited to points within a single State, that State has the legislative power to establish the rates of compensation for such carriage.

2. The power which the legislature has to do this can be exercised through a commission which it may authorize to act in the matter, such as the one appointed by the legislature of Minnesota by the act now under consideration.

He then states that the rate, however fixed, must have in mind the fact that property may not be taken for public use without just compensation.

Then he discusses the proposition as to the remedy in case it is contended that the rates fixed do operate to deprive the party of his property without just compensation. Justice Miller was rather disposed to contend that the question could not be raised in defending a mandamus suit, which was the proceeding employed by the Commission, but finally concurred and agreed that the question might be raised when such was the character

of the suit brought by the Commission to enforce its orders. He said, however—

That the proper—
Bear this in mind—

6. *That the proper, if not the only, mode of judicial relief against the tariff of rates established by the legislature or by its commission is by a bill in chancery asserting its unreasonable character and its conflict with the Constitution of the United States, and asking a decree of court forbidding the corporation from exacting such fare as excessive or establishing its right to collect the rates as being within the limits of a just compensation for the service rendered.*

Keep in mind the fact that there was no provision in the Minnesota statute providing for a court review.

Justice Miller was unquestionably one of the greatest jurists that ever occupied a seat on the Supreme Bench. He points out that a suit in equity to restrain the Commission is the proper, if not the only, remedy in such a case. I have shown that the same principle was announced in *Smyth v. Ames*, above cited.

Now, Mr. President, I am going to hurry on, because I had not expected, when I began, to speak so long as I have, although I have not done all of the speaking. The point I particularly desire to discuss is the proposition that it is not necessary to the validity of a bill of this character that it shall contain a specific provision for a court review. What is the character of that power? Is it a limited or is it an unlimited power? Is it a purely legislative power or is it quasi judicial?

Manifestly, I think, under the decisions, the power to prescribe a schedule of rates for the future is a purely legislative power. If that be true, how can it be said that it is necessary in the exercise of a purely legislative power to provide for a court review?

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. FULTON. In just a second, and then I will yield.

We commit to this Commission, to this administrative board, by virtue of the legislative power of this body, the right to prescribe rates. The matter of making rates, the matter of prescribing a schedule of rates, is a legislative power, admittedly. Why, then, in the exercise of that power, must we specifically provide some method for reviewing the action of that board? Now I yield to the Senator.

Mr. ALDRICH. Before the Commission can exercise the legislative power, to which the Senator is now alluding, they must declare that certain rates are unreasonable. Is that a legislative power?

Mr. FULTON. Is it a legislative power?

Mr. ALDRICH. Yes; deciding the question whether rates are reasonable or unreasonable.

Mr. FULTON. In the matter of prescribing future rates—

Mr. ALDRICH. I am not talking about prescribing rates. I say they must find in the first instance that certain rates now in existence made by the carriers are unreasonable. Is that a legislative power?

Mr. FULTON. The matter of prescribing rates for the future is a legislative power, but I would not say that the power to be exercised by this Commission is a legislative power. It is purely an administrative power; that is all it is—the power to be exercised by the Commission.

Mr. ALDRICH. Have not the courts said—

Mr. FULTON. Of course it is on the border line of legislation. All these powers blend at a certain point, and it is very difficult to define them absolutely. It may properly be described as the exercise of quasi legislative power.

Mr. ALDRICH. Has not the Supreme Court said over and over again that the power to declare a rate unreasonable was a judicial power? Has not the court said so in numberless cases?

Mr. FULTON. Yes; the Supreme Court has said that, but the Senator must take into consideration the circumstances and the character of the case in which the court said it. The court has said time and again, it said in the *Reagan* case, and has said in numerous cases, that the power to prescribe future rates is a legislative power. The power to determine the reasonableness of a rate when that question is in litigation or when that question is disputed, is a judicial power certainly.

But I am not talking about that. I am talking about the exercise of the legislative power of prescribing a future rate. I am not discussing now even whether that power may be committed to a commission. I have assumed for the purpose of the argument that it may be committed to a commission. I think no one seriously questions but that it may be committed to a commission. Then if Congress may commit to the extent proposed here to a commission the power to prescribe such rates, in doing that it is the exercise by Congress of a legislative power, and it is unnecessary to provide for any method of review.

Now, when the question of the reasonableness of a rate is

raised, when it is sought to review the action of the Commission and it is contended that the rate prescribed is unreasonably low, that it amounts to confiscation under the Constitution, then a judicial question is presented and the court must determine it. But the party raises that question under the Constitution and by virtue of his constitutional rights, and it does not require any act of Congress to authorize him to avail himself of his constitutional privilege. That is what I contend.

Mr. ALDRICH. Suppose the rate is unreasonably high? Suppose it is extortionate?

Mr. FULTON. I do not think the railroads are worrying about that.

Mr. ALDRICH. I am not talking about railroads. The anxiety of the Senator from Oregon, I take it, is not for the railroads.

Mr. FULTON. My anxiety is—

Mr. ALDRICH. Suppose the shipper finds the rate fixed by the Commission to be extortionate, what remedy has he unless there is some specific power given to him to have a review?

Mr. FULTON. I suppose that the shipper has no remedy unless there is power given to him to review. I think not, because his constitutional rights would not be infringed. His property would not be taken for any public use.

Now, I want to go back just a moment before I proceed. I answered the Senator that I did not think the railroads were worrying about that. I did not mean to say that the Senator is advocating the cause of the railroads. I thought afterwards that the remark might be so construed. I was arguing from the standpoint of the carrier at the moment, and that is what caused me to make the remark.

The shipper is placed in a different position. He is bound absolutely by the rate made by the Congress, because his constitutional rights are not invaded. But I do not think there is any danger that the shipper's rights, constitutional or otherwise, are going to be infringed in any respect by the action of this Commission. I do not think that anyone is dreading lest the Commission shall make the rates to be charged by the railroads and transportation lines too high. If they shall do that, it will be time to provide a remedy against it when they shall have done so. To provide a remedy for the shipper to review the orders of the Commission would be a fruitless and useless task, because it is utterly impractical for the shipper to prosecute cases of that character. That is the reason why we are proposing to constitute this Commission with power to prosecute such cases. It is because the Commission has the Government behind it and can better bear the expense necessarily entailed by such a prosecution. If it were left to the individual shipper to enforce these laws, if it were left to the individual shipper to prosecute a suit to reduce a rate that is put in practice by a railroad, the suits would never be prosecuted and the rates would never be reduced, because the shipper could not afford the expense of following up the litigation.

Mr. ALDRICH. Will the Senator allow me to interrupt him again?

Mr. FULTON. Certainly.

Mr. ALDRICH. Does the Senator think the shipper ought to be left powerless against exactions by the Commission?

Mr. FULTON. I think if the shipper were complaining against the action of the Commission it would be proper enough to give him a remedy, but I think it is unnecessary to talk about the shipper being left powerless when the shipper is not complaining. The shipper is asking us to give to the Commission the power to fix and regulate the rates. The shippers are not calling on us to give them the power of review.

Mr. ALDRICH. Who is authorized here to speak and to say that?

Mr. FULTON. Anyone who reads the papers and is informed of the current opinion and sentiment of the country.

Mr. ALDRICH. We are acting here upon our judgment, I assume, and so as to protect the rights of all.

Mr. FULTON. The Senator must speak for himself as to how he is acting. I will not undertake to do so. I can tell him, if he wants an answer to his inquiry, how I am acting and why I have the views I entertain.

Mr. ALDRICH. The Senator assumes that under the present law—and, as I understand him, he is opposing any amendment in that direction—the shipper is left powerless as against the exaction of extortionate rates. I do not propose to consent to a bill which does not give the same remedy to the shipper that, in the opinion of the Senator from Oregon, exists on the part of the carrier.

Mr. FULTON. I say I am ready to give the shippers any necessary remedy whenever it shall appear that the shipper is suffering any wrong. The particular wrong of which the ship-

per is now complaining is of the excessive rates made by the railroads. The shipper could, without any law being passed by Congress, avail himself of the right he has at common law to go into court and to enjoin a rate made by the railroad company that he alleged and could prove was excessive and unreasonable.

Mr. ALDRICH. But, Mr. President—

Mr. FULTON. He has that right without any action of Congress, but we all know that it is a right without any value to him.

Mr. ALDRICH. That is what I expected the Senator to say.

Mr. FULTON. It is utterly without any value to him because he can not afford to do it. Now, the shippers are not asking us to give them a remedy against the orders of the Commission. If the Senator wants to incorporate in the bill a provision that will authorize the shipper as well to appeal to the courts when a rate made either by the railroad or by the Commission shall be unreasonable and unjust as to the shipper, I care nothing about that. The Senator knows as well as I know that that is not the heart of this controversy. That it is mere diversion. That the heart of this controversy is, Shall we give the Commission the power to lower or fix a maximum rate of charges or to prescribe a just and reasonable rule when it finds that the one in force by the railroad is unjust and unreasonable?

I was about to say when interrupted by the Senator from Rhode Island that while it is not necessary to cite the authorities in order to show the power that Congress has in the matter of regulating commerce among the States, and hence to prescribe rates, I have a few citations here.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Illinois?

Mr. FULTON. Certainly.

Mr. HOPKINS. Before the Senator from Oregon leaves that point, I desire to suggest to him as to whether it is likely a shipper would appeal to the Commission to get the Commission to raise railroad rates over what the railroad had themselves fixed?

Mr. FULTON. That is a very pertinent suggestion.

Mr. ALDRICH. As that inquiry seems to be in reply to a question which I asked, I will state to the Senator from Illinois it might happen that if the Commission should become favorable in the course of time to the railroads and the rights of the shippers invaded by their action, the rate might be, for instance, a dollar from Chicago to New York and the shipper contend that 60 cents was a reasonable rate. The Commission might fix 95 cents and the shipper would be absolutely powerless to have the rate set aside as extortionate and unreasonably high. In such a case you propose to leave the shipper without remedy.

Mr. HOPKINS. Mr. President, I disagree entirely with the Senator from Rhode Island on that proposition. The court is open to the shipper now and will be after this bill, if it is properly enacted, becomes a law.

Mr. ALDRICH. Of course; and the shipper can commence suit at common law against the carrier or against the Commission. But what value is that? What value has it ever been?

Mr. HOPKINS. Does not the Senator remember that the only object of a court is to set aside a rate that is fixed by the Commission? Then it goes back to the Commission for another hearing. But the court would not fix 95 cents if 60 cents was a reasonable rate; it would simply find that a dollar was an unreasonable rate and then remit it back to the Commission.

Mr. ALDRICH. The court does not fix any rate. I am not talking about that.

Mr. HOPKINS. It vacates the order or affirms it, as the case may be.

Mr. ALDRICH. They have a right to say after a proper review that 95 cents was an unreasonable rate, and then the Commission would have to fix a reasonable rate, or rather the same complaint would have to be gone over again before the Commission.

Mr. HOPKINS. All the court does is either to affirm or vacate the order.

Mr. ALDRICH. I understand that perfectly.

Mr. FULTON. Mr. President, I still insist that the shipper is not worried over the possibility of the rates fixed by the Commission being made higher than they are at present under the railroad rate-making power. Whenever the shippers begin to complain that there is danger that the Commission will increase the rate prescribed by the railroad companies, then it will be time enough to consider the suggestion of giving extended powers to the shipper in order to protect his rights and interests.

Mr. ALDRICH. I suppose the Senator from Oregon is aware that I have made no such suggestion.

Mr. FULTON. No.

Mr. ALDRICH. And it is simply disposing of a man of straw that I have not raised.

Mr. FULTON. It is purely academic, as I think has been most of the discussion which has grown out of the suggestion made by the Senator from Rhode Island.

I will now return to the proposition that it is unnecessary to insert any provision in this law for a review; that an act that is silent on that subject is valid under the Constitution.

But first let me say again that it is my contention that the Hepburn-Dolliver bill does not deny the carrier the privilege of having any order of the Commission reviewed which he contends is violative of his constitutional right, and hence it recognizes his right so to do. To attempt to deny him such right would doubtless render the measure unconstitutional. We want that he shall have that right, but we do not want that he shall have the right of review for any other purpose. I might not oppose an amendment which in terms restricts the right of review to a judicial inquiry into the constitutionality of an order and provided for the early hearing and determination of the case. Beyond that I can not go, and that is not necessary in order to insure the validity of this measure. Indeed, I can not but doubt the wisdom of attempting to frame any such provision. Better leave the bill as it is in that respect, and let the courts describe the limit. The authorities that have been cited in support of the contention that a statute of this character, which does not provide specifically for a review, is unconstitutional, refer entirely to statutes that in terms made the rates of the Commission conclusive. I shall now undertake to show that a statute which is silent as to court review recognizes the right of a carrier to have reviewed any order which invades his constitutional rights, and hence is a valid exercise of legislative power.

To what extent, then, is Congress vested with the power to prescribe future rates? Is it an independent power—a power vested solely in the legislative branch of the Government, or is it a mixed power, quasi legislative, quasi judicial? Manifestly, it is purely and essentially a legislative power. It grows out of and is derived solely from the power vested in the Congress by the Constitution to "regulate commerce among the States."

But gentlemen tell us that it may not be exercised unless specific provision be made for a court of review. How can that be if it is a legislative power? Will it be contended that the Congress can not exercise unquestioned legislative powers without in each instance specially providing for a court review? Does the validity of legislative enactments or the right of a citizen to protection in the enjoyment of his constitutional rights depend upon such provision? Does the pending bill propose an unlawful or unconstitutional act? Is it proposed to commit to the Commission the power to do aught else than make reasonable and just rates and regulations? Certainly not. Is it not within the constitutional power of Congress to prescribe reasonable rates and regulations? Certainly. We are told, however, that the Commission may prescribe unjust and unreasonable rates or regulations. If it shall, would not its action be in violation of the law? Would it be the fault of the statute that the Commission had exceeded its power? Surely not. Can not the courts confine and restrict its actions to the exercise of its legitimate power? Then why must the law provide a method of appeal from or review of the Commission's orders? If the Commission shall make only such orders as the statute authorizes it to make, there will be no occasion for a review. Why must we assume that it will do otherwise? If it shall attempt to make orders or prescribe regulations in excess of, beyond, or in violation of its powers, its action would be void and enforcement of any such order would be restrained by the court. It is to me a strange doctrine, and new entirely, that a commission or administrative board may exceed its authority, and yet there exists no method of reviewing and restraining its orders in such behalf, unless the method of review be provided in the act creating the board and prescribing its authority.

The contention that no act of Congress authorizing a Commission to prescribe rates and regulations can be constitutionally enacted unless a provision for a court review is incorporated in the statute, assumes and implies that the power of Congress to regulate fares and practices of common carriers is a power that Congress can exercise only as an auxiliary or assistant to the court.

While I do not deem it necessary to cite authorities in support of the power of Congress to regulate rates, yet in view of the contention that any act which does not provide for a review of the Commission's orders by the courts will be unconstitutional, it seems to me it will prove profitable briefly to inquire what the powers and jurisdiction of Congress in that behalf are. Is it a subject over which the power of Congress is plenary and

supreme? If so, then it is my contention that whether Congress shall act directly in the matter of prescribing regulations for and fixing rates of common carriers, or shall act through a duly constituted commission, it is independent of the courts, and there is no power on earth that may lawfully question, set aside, or suspend its decrees. There are, of course, certain constitutional limitations that operate not on Congress alone, but as well on every Department and agency of Government. For instance, private property may not be taken for a public use unless just compensation be first paid or certainly and securely provided. And no person may be deprived of his property except by due process of law. But here the taking of private property is not contemplated, nor is it proposed to deprive any person or corporation of its property, either by process of law or otherwise.

If any order of the Commission shall amount to such taking or deprivation, it will be in contravention and in violation of this proposed statute, as well as of the Constitution, and, therefore, not pursuant to the statute or by virtue thereof. Hence, any such order would be outside of the statute and its enforcement would be restrained at the suit of the party whose property was proposed thus unlawfully to be taken. The jurisdiction to hear and determine such a case need not be given in this act, for it contemplates no such case, and jurisdiction in such case is amply provided for in the judiciary act, for it would be a case "arising under the Constitution of the United States and the laws of Congress."

As I have stated, Mr. President, that, while I do not deem it necessary to go into the history of the judicial decisions touching the powers of Congress in the matter of regulating interstate commerce, still, in order to show that its power in that behalf is absolutely supreme, that it knows no limitation except in so far as the provision of the Constitution against the taking of private property for public use without compensation is a limitation, I will now briefly cite certain authorities on that proposition.

In *Gibbons v. Ogden* (9 Wheat., 9) Justice Marshall, speaking of the power of Congress to regulate commerce, said:

It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

In the *Northern Securities Company v. United States* Justice Harlan, affirming the decree, said:

Is there, then, any escape from the conclusion that, subject only to such restrictions, the power of Congress over interstate and international commerce is as full and complete as is the power of any State over its domestic commerce?

In the same case Mr. Justice White said:

At the outset the absolute correctness is admitted of the declaration of Mr. Chief Justice Marshall in *Gibbons v. Ogden*, that the power of Congress to regulate commerce among the States and with foreign nations "is complete in itself and may be exercised to its utmost extent, and acknowledges no limitations;" and that if the end to be accomplished is within the scope of the Constitution, "all means which are appropriate, which are plainly adapted to that end and which are not prohibited are constitutional."

The plenary authority of Congress over interstate commerce, its right to regulate it to the fullest extent, to fix rates to be charged for the movement of the interstate commerce, to legislate concerning the ways and vehicles actually engaged in such traffic, and to exert any and every power over such commerce which flows from the authority conferred by the Constitution, is thus accorded.

In *Kentucky and I. Bridge Company v. The Louisville and Nashville Railroad Company* (37 Fed., 634) Mr. Justice Jackson, after quoting from *Gibbons v. Ogden*, said:

Possessing such sovereign and exclusive power over the subject of commerce among the States, it is difficult to understand why Congress may not legislate in respect thereto to the same extent, both as to rates and all other matters of regulation, as the States may do in respect to purely local or internal commerce.

In *Interstate Commerce Commission v. Cincinnati, New Orleans and Texas Pacific Railway Company*, Mr. Justice Brewer, in delivering the opinion of the court, said:

Before the passage of the act it was generally believed that there were great abuses in railroad management and railroad transportation, and the grave question which Congress had to consider was how those abuses could be corrected and what control should be taken of the business of such corporations. The present inquiry is limited to the question as to what it determined should be done with reference to the matter of rates. There were three obvious and dissimilar courses open for consideration. Congress might itself prescribe the rates, or it might commit to some subordinate tribunal this duty, or it might leave with the companies the right to fix rates, subject to regulations and restrictions, as well as to that rule which is as old as the existence of common carriers, to wit, that rates must be reasonable. There is

nothing in the act fixing rates. Congress did not attempt to exercise that power, and if we examine the legislative and public history of the day it is apparent that there was no serious thought of doing so.

In *Stone v. Farmers' Loan and Trust Company*, Mr. Chief Justice Waite, delivering the opinion of the court, said:

It is now settled in this court that a State has power to limit the amount of charges by railroad companies for the transportation of persons and property within its own jurisdiction, unless restrained by some contract in the charter, or unless what is done amounts to a regulation of foreign or interstate commerce. (*Railroad Co. v. Maryland*, 21 Wall., 456; *Chicago, Burlington and Quincy Railroad Co. v. Iowa*, 94 U. S., 164; *Winona and St. Peter Railroad Co. v. Blake*, 94 U. S., 180; *Ruggles v. Illinois*, 108 U. S., 526-531.)

It will be seen, Mr. President, from the authorities above cited, that the power of Congress to regulate interstate commerce is unrestricted, is as ample and complete as is the power of a State to regulate its domestic commerce—that States may regulate rates, and hence the power of Congress to prescribe rates in the exercise of its power to regulate interstate commerce is clear. If this is true, how can it be reasonably contended that in order to exercise such power it must provide specifically for a method of judicial review?

Mr. President, the contention of the Senator from Pennsylvania the other day was that under the decision of the Supreme Court of the United States in the *Minnesota* case, as reported in 134 United States, a law which does not contain a specific method of review is necessarily in conflict with the Constitution. I deny that the doctrine of the *Minnesota* case justifies any such contention, and I wish to call the attention of the Senate very briefly to what the *Minnesota* case is.

I stated a few moments ago that the legislature of Minnesota enacted a law granting to a railroad commission certain powers. Among those powers was the power to prescribe reasonable rates and regulations for transportation lines. Under that power the Minnesota commission did prescribe rates. A mandamus proceeding was brought to put in force as against the railroad company the schedule of rates made by that commission. The railroad company appeared, filed its answer, and alleged that the rates it had in force were reasonable, and that the rates prescribed by the railroad commission were unreasonable to the extent that they deprived the railroad of its property without just compensation or due process of law. But the supreme court of Minnesota held that under the statute the rates fixed by the railroad commission were absolutely conclusive, and would not admit testimony to show them to be confiscatory. The case went up to the Supreme Court of the United States. That court held that the statute of the State of Minnesota as construed by the supreme court of Minnesota was void. The court intimated all through its decision that in its judgment the supreme court of Minnesota had erroneously construed the statute.

The statute did not in terms say that the rates fixed by the commission should be conclusive, but the supreme court of Minnesota gave the statute that construction, and the Supreme Court of the United States said that, under the well-known rule, it is bound by the construction of a State statute given to it by the highest court of the State enacting it. It must treat the law as if it had had the decision of the supreme court of Minnesota incorporated into it, and therefore prohibiting by its terms the reasonableness of rates established by the commission being inquired into. But even then the Supreme Court of the United States did not hold the statute to be void. They held that as construed by the supreme court of Minnesota it was in conflict with the Federal Constitution, and concluded in these words:

In view of the opinion delivered by that court it may be impossible for any further proceedings to be taken other than to dismiss the proceeding for a mandamus, if the court should adhere to its opinion—

Mind you—

that, under the statute, it can not investigate judicially the reasonableness of the rates fixed by the commission. Still, the question will be open for review.

That is, the supreme court of Minnesota might conclude that it had construed the statute erroneously. The statute of Minnesota contained no provision for a review. There was not a word about review in the statute.

Mr. BEVERIDGE. In other words, if the Senator will permit me, the supreme court of Minnesota construed the law as being not only that the rates as fixed by the commission were conclusive, but as denying the right of review.

Mr. FULTON. The supreme court of Minnesota construed the law, as the Senator says, as denying the right of review. The Supreme Court of the United States intimates all through its decision that that construction was incorrect, but it said that it was bound by it. The point I want to make is that the Supreme Court of the United States did not say that because that statute contained no provision for a review it was void, but they said if the construction of the statute by the supreme court of Minnesota was correct, namely, that thereunder there could be no

judicial inquiry, then it was unconstitutional; but if the supreme court of Minnesota shall conclude that such is not the proper construction of the law, then the statute is constitutional, notwithstanding it contains no provision for a review. That is the case upon which the Senator from Pennsylvania based his entire argument—that a statute which provides no method for a review is necessarily unconstitutional. I submit the case does not bear out or support that contention, but in truth supports the contrary contention.

Mr. President, the Senator from Pennsylvania also made this further contention. In giving his reasons why this statute is in violation of the Constitution, he said:

Third. It so heavily penalizes the disobedience of the Commission's orders as to make any attempt to secure a judicial hearing in any form of proceeding impracticable.

Mr. President, that same question was raised in the Reagan case. The same contention was put forward there, and what did the court say? The court, after discussing the contention that the penalties were so extreme that they amounted to a denial of the right of review, and hence amounted to making the rate prescribed by the Commission conclusive, said:

It is enough to say in respect to these matters, at least so far as this case is concerned, that it is not to be supposed that the legislature of any State, or a commission appointed under the authority of any State, will ever engage in a deliberate attempt to cripple or destroy institutions of such great value to the community as the railroads, but will always act with the sincere purpose of doing justice to the owners of railroad property as well as to other individuals, and also that no legislation of a State as to the mode of proceeding in its own courts can abridge or modify the powers existing in the Federal courts, sitting as courts of equity.

We do not deem it necessary to pass upon these specific objections, because the fourteenth section or any other section—

That was a section prescribing penalties—

prescribing penalties may be dropped from the statute without affecting the validity of the remaining portions; and if the rates established by the Commission are not conclusive, they are at least prima facie evidence of what is reasonable and just. For the purpose of this case it may be conceded that both the clauses are unconstitutional, and still the great body of the act remains unchallenged—that which establishes the Commission and empowers it to make reasonable rates and regulations for the control of railroads. It is a familiar law that one section or part of an act may be invalid without affecting the validity of the remaining portion of the statute. Any independent provision may be thus dropped out if that which is left is fully operative as a law.

Thus it will be seen the court held that the mere fact that the penalties were excessive; the mere fact that they might, if absolutely enforced, amount to a denial of the right of the party to question the conclusiveness of rates made by the Commission, was not sufficient to justify the court in holding the law unconstitutional and void, because they say that those provisions themselves in such a case would be unconstitutional, but their invalidity would not affect any other portion of the law. So I say here, if the contention of the Senator from Pennsylvania be correct—that the penalty provisions amount to a denial of the right of the party to question the conclusiveness of the rate—that does not argue against the validity of the statute authorizing the making of rates, but it argues simply against the validity of those sections fixing the penalty. They may go out and the rest of the law stand.

Mr. President, I will not take up some questions that I had contemplated discussing, because this discussion has been drawn out to a much greater length than I had contemplated.

I want to say, in conclusion, that if I thought the omission from this law of a specific method of review would result in doing one particle of injustice or wrong to the railroad companies or to any transportation line, I would not favor such legislation for a single moment. But, Mr. President, there can be no doubt but that under this law every transportation company will have ample means and ample machinery to test the validity and constitutionality of any rate that shall be prescribed by the Commission. If they shall contend that any rate prescribed by the Commission or any order made by the Commission amounts to a taking of property without due process of law, they have ample remedy to test that question without a specific provision being placed in the law.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. FULTON. I do.

Mr. BACON. I do not know whether the Senator in the course of his remarks has covered the point to which I now direct his attention, but it is within the range of possibility, if not probability, that the time may come when parties interested other than the railroad companies, the carriers, may desire to have the order of the Commission set aside. In other words, the time may come when the influences will be such as to make the Commission rather partial to the carrier than to the

public. I do not know whether that question has been covered. If it has, I do not wish to trespass upon the Senator; but what I wish to ask him—and if he has already answered it I will not ask him now to take up the time to repeat it—is this: In case such an emergency should arise or it should so eventuate, is there any provision of law under which anyone interested in shipping over the railway lines could appeal to the courts to correct what might be deemed to be an injustice to the public under this bill?

Mr. FULTON. I think there is none. That is my understanding.

Mr. BACON. I will ask the Senator if he does not think it is important for us to guard against that possibility by incorporating in this bill some provision by which the public may be allowed to bring in question the correctness of the ruling of the Commission?

Mr. FULTON. I would call the Senator's attention to the fact that we have been over that ground to some extent. The Senator from Rhode Island [Mr. ALDRICH] made the same suggestion a short time ago.

Mr. BACON. I beg pardon; I did not know that.

Mr. FULTON. And I said then that personally I had no objection to any such provision, but really I do not think it will be of any utility. In the first place, I do not believe that there is any probability that the public will ever have reason to complain that the rates made by the Commission would be higher than the railroads would have fixed them themselves; and, in the next place, this bill, as I understand, simply provides that when complaints shall be made and an existing rate is found to be too high, to be unreasonably high, they may fix a lower maximum rate. There is not any power given in this bill, as I understand, to increase the rates that are enforced by the railroads.

Mr. ALDRICH. No one has raised any such question. Neither the Senator from Georgia nor myself made any such suggestion.

Mr. FULTON. Very well.

Mr. BACON. I suggest to the Senator that there might possibly be a case where an appeal would be made to the Commission to correct an alleged injustice on the part of a railroad. The Commission might sustain the railroad, and the shipper might wish to test the question whether or not the Commission decided correctly when it sustained the rate the railroad had made.

Mr. FULTON. That is giving the shipper the right to review. I have said, and say again in answer to the Senator, that I myself have no objection to some such provision. It is possible that the time may arise and a case may be presented when the shipper will want to exercise that right. I have no objection to it, but I am not discussing the bill with reference to that theory.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. FULTON. Certainly.

Mr. TELLER. The Senator says he has himself no objection. Who is it, then, that has objection?

Mr. FULTON. I do not know of anyone.

Mr. TELLER. The Senator does not know of anyone who objects?

Mr. FULTON. I have not heard of anyone.

Mr. TELLER. Then I do not see why we need discuss it very extensively.

Mr. FULTON. The Senator will say in justice to me, that it was not I who brought the matter up.

Mr. TELLER. The suggestion that he himself did not have objection, seemed to me to indicate that he thought there was objection on the part of somebody that made it difficult for us to act.

Mr. FULTON. I think the Senator from Colorado is entirely too suspicious. I do not know of anyone.

Mr. TELLER. If the Senator will allow me, we have been several weeks discussing this bill, and really the only difference, it seems to me, between Senators is whether we shall allow a review of the proceedings of the Commission. We hear occasionally under certain circumstances that a review may be had. The Senator from Oregon now insists, as I understand his argument, that we do not need any special provision for review, as it is in this bill.

Mr. FULTON. No.

Mr. ALDRICH. For the carrier.

Mr. FULTON. I have not made any suggestion—

Mr. ALDRICH. The right is here for the carrier, but not for the shipper.

Mr. TELLER. I was speaking of the carriers.

Mr. FULTON. I say the right of review is in this bill to the carrier to the extent that is necessary to review the orders

of the Commission to protect his constitutional right, because, in the first place, we can not deny him that right, and, in the next place, the bill does not pretend to deny him that right. If the bill sought to deny him that privilege, I would think, unquestionably, it would be unconstitutional; at least that provision would be unconstitutional. But the bill does not pretend to deny that right, and, therefore, it exists without any question.

Mr. TELLER. I should like the Senator to tell me as a lawyer what he means by "his constitutional right."

Mr. FULTON. I mean in this behalf the taking of property without just compensation, and possibly the taking of property without due process of law. I suppose those are the rights that might be brought in question in the matter of regulating rates of transportation lines. I do not know of any other constitutional provision that would be necessarily brought in question.

Mr. TELLER. I understand the Senator to say that he does not wish to have an entire review of the proceedings of the Commission?

Mr. FULTON. Yes. I do not.

Mr. TELLER. He wishes to limit it?

Mr. FULTON. Yes, sir.

Mr. TELLER. Whether that ought to be done would depend upon how the Senator might want to limit it. I do not know how much he wants to limit it.

Mr. FULTON. I thought I had explained the position I have taken on this question of review. I wish to restrict the right of review to those cases where it is necessary to protect the carrier against the taking of his property without just compensation under the rule that has been laid down by the Supreme Court.

Mr. MONEY rose.

Mr. FULTON. I will yield to the Senator in a moment. There are numerous cases where no possible question could arise about the taking of property. For instance, let me suggest this: We will suppose that a coal-mining company, having property in the immediate vicinity of the main line of a railroad, builds a side track, connects with the main line of the railroad, and asks that cars be supplied to it for its output, and the railroad company refuses to run cars into the mine or to supply it with cars, but at the same time it is supplying its competitor with those facilities. The mine owner is making no contention about the unreasonableness of the rate; he is demanding equal facilities and equal treatment. The Commission makes an order requiring the railroad company to supply him with those facilities. Would there be any possible question of the taking of property or the invasion of constitutional rights in the making of such an order as that, and would there be any reason why there should be an appeal from or a review of such an order as that? Why not make all orders of that character conclusive?

Mr. TELLER. I should like to suggest that possibly the railroad might say they were not guilty of that conduct.

Mr. FULTON. If the railroad said it was not guilty of that conduct it would be furnishing cars, would it not?

Mr. TELLER. They might say they were unable to furnish them. They might find some excuse.

Mr. FULTON. I call the Senator's attention to the fact that our courts have already established the rule in that regard; that where the railroads have not cars enough for all customers, it is their duty to make an equitable distribution of them.

Mr. TELLER. Suppose the carrier says they have made an equitable distribution? Suppose that is the issue they present; does the Senator say that can not be tried?

Mr. FULTON. Suppose the Commission says they have not. That is purely an administrative matter that the Commission is just as capable of determining as are the courts. It is not because I have any want of confidence in the courts; it is not because I question the integrity or the patriotism of the courts—there is no man who has a higher regard for the judiciary of this country than I have—but it is because it means delay and expense to the shipper that is unnecessary and unreasonable, and I insist that matters that are purely administrative shall be left to the Commission, and that their determination shall be final.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. FULTON. Certainly.

Mr. SPOONER. Is not the case which the Senator has just stated provided for by existing law? Does not the present law provide for mandamus in such cases?

Mr. FULTON. Probably. I am not questioning that. I

simply use that as an illustration of one of the cases where it seems to me there is absolutely no necessity for a review; and yet in the rate bill proposed by the Senator from Pennsylvania [Mr. KNOX] and in some of the proposed amendments—I have not read them all—but in all that I have seen all orders made by the Commission are subject to review; and an order of the character to which I have just referred under that kind of an amendment would be subject to review.

Mr. SPOONER. If I understand the bill offered by the Senator from Pennsylvania, the right of review is limited entirely to a suit to test the lawfulness of an order which sets aside an existing rate and substitutes another rate for it.

Mr. FULTON. The Senator is mistaken.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. In a moment. The Senator from Wisconsin is mistaken in regard to the construction of the bill of the Senator from Pennsylvania, or I am. We will see which one is. I read from the bill of the Senator from Pennsylvania:

SEC. 5. That the orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time as shall be prescribed by the Commission and shall continue for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless sooner set aside by the Commission or suspended or set aside by order of a court in a suit to test the lawfulness of said order; but any carrier, person, or corporation party to the proceedings affected by the decision of the Commission as to the rate or practice covered by the complaint, or by its order prescribing a different rate or practice, and alleging either or both to be a violation of its or his rights may institute proceedings, etc.

As to the "rate or practice." So it would cover just the character of case I have mentioned. Now, I yield to the Senator from South Carolina.

Mr. TILLMAN. The Senator from Wisconsin [Mr. SPOONER] asked a moment ago if such a condition of affairs as that described by the Senator from Oregon [Mr. FULTON] was not already provided for by existing law. I want to ask the Senator, if that be true, how is it that the Interstate Commerce Commission, having examined the complaint of the Red Rock Fuel Company and granted it relief, so far as issuing an order was concerned, the railroad company snapped its fingers in the face of the order of the Commission, and we have not yet found any judge who has been able to give relief? Where is the existing law which grants relief for such a condition of affairs as that? Is it the failure of the judiciary to do their duty or is it in the failure of the law to provide a remedy? There is a screw loose somewhere.

Mr. MONEY. I should like to ask the Senator from Oregon a question, if it will not disturb him.

Mr. FULTON. Not at all.

Mr. MONEY. I want to say that I am asking it for information.

Mr. FULTON. I should feel very proud if I thought I was able to give the Senator information.

Mr. MONEY. The Senator can on this point. The Senator's position, as I understand, is that it is unnecessary to provide in this bill for appeals to the courts, because there is such a constitutional right in every person; that under the clauses of the Constitution providing that private property shall not be taken without just compensation or due process of law, they have their appeal to the courts. I want to ask the Senator if, in his opinion, there is any difference in standing before the court in a matter of that sort between an individual proprietor, an individual citizen, and a corporation created by the State, one part of which is dedicated to making money for its stockholders, and the other to a public utility, clothed with the power of eminent domain for the benefit of the State, speaking of the people collectively as the State? Does the Senator conceive there is any difference on that point in their standing before the court?

Mr. FULTON. My answer to the Senator is that I can conceive of no difference in their standing before the court nor in their constitutional rights or in their right to invoke the protection that that provision of the Constitution guarantees to all citizens.

Mr. MONEY. The Senator does not consider that it is modified by the fact that the corporation is its creature, organized for a public utility?

Mr. FULTON. I do not. In other words, I do not think that you can take the property of a public-utility corporation for any less compensation or under any different rule of fixing just compensation than you can take the property of a private citizen. These corporations are only public corporations in the matter of the use of their property. Their property is private property just exactly the same as yours or mine.

Mr. MONEY. I simply wanted the Senator's opinion, not having formed one myself.

Now, if he will allow me, I will ask him another question on that point.

Mr. FULTON. Certainly.

Mr. MONEY. Suppose there is no provision made in the bill as suggested by the Senator and outside of the constitutional rights, with respect to just compensation, and due process of law, would not the aggrieved party have a common-law remedy?

Mr. FULTON. That is, if there were no provision for a review?

Mr. MONEY. If there were nothing of that sort in the bill.

Mr. FULTON. That is the argument I have been attempting to make; that has been my contention throughout, that it is not necessary to prescribe a particular or any method of review; that the party has that right under the Constitution, so far as is necessary to protect his constitutional rights.

Mr. MONEY. I understood that to be the Senator's argument, but I wanted to ask him if a party did not have a common-law remedy, independent of his constitutional right.

Mr. FULTON. If I understand the Senator correctly, I will say "No," because I should say that if there was no provision in the Constitution which guaranteed the party against the taking of his property without due process of law, or, in other words, if there were no written Constitution against the taking of property without due process of law, without just compensation, I do not know of any remedy that a party would have if Congress should pass a law appropriating its property to a public use. It is possible that that principle which protects property and life is superior even to constitutions, and it is possible that the courts would say: "That is a principle which the courts will enforce without a constitutional limitation protecting the citizen." I am not certain about that, but I am very clear about this, that so far as the right of Congress to legislate is not restricted by any constitutional provision the provisions of the Congressional act can not be brought in question at the suit of anybody, and it is only when a party can bring himself under some constitutional provision, when he can appeal to some constitutional right, that he can question the validity of an enactment of the legislative body exercising its legislative power.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. FULTON. Certainly.

Mr. ALDRICH. If this bill should become a law in its present form, would a carrier have a right to insist that the rates fixed by the Interstate Commerce Commission should be just and reasonable?

Mr. FULTON. Would he have a right to insist that the rates should be just and reasonable?

Mr. ALDRICH. Yes.

Mr. FULTON. The law says that they shall be just and reasonable.

Mr. ALDRICH. Does that make them so?

Mr. FULTON. The presumption is they will be just and reasonable.

Mr. ALDRICH. Can that be questioned by the carrier?

Mr. FULTON. If the rates are unreasonable to the extent that it amounts to the taking of the property of the carrier without just compensation, yes; it has a remedy.

Mr. ALDRICH. But if the rates are not unreasonable to that extent, but still unreasonable, has it any remedy?

Mr. FULTON. If there is a line of demarcation, then it has none. I am not certain whether under the decisions of the Supreme Court of the United States there is any difference. I am not so certain that there is a broad ground between what is just and reasonable on the one side and that which is extortionate on the other side. I am confident that under the decisions of the Supreme Court what is meant by a just and reasonable rate is a rate that will give revenue not only sufficient to meet the expenses of operating the railroad or the transportation line, but which will give a sufficient return to give reasonable profit on the investment. I think that is the rule.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. I will in just a second. If that is the true rule, that a party is entitled to charge a rate that will give him a fair return on his investment, then the rate to be reasonable must allow that, and when you go beyond that, it seems to me, the rate becomes unjust and unreasonable. Still, it is contended by many, and I am not disputing it, that there is a wide field between the just and reasonable rate and the extortionate or unreasonable rate, which may be said to be the zone of discretion.

Now, I yield to the Senator from Idaho.

Mr. HEYBURN. I should like to suggest to the Senator

from Oregon whether that rule would not amount to underwriting the stock and bonds of the common carrier to the extent of the guaranty of a given, fixed, definite income?

Mr. FULTON. The Supreme Court has explained that in several decisions.

Mr. HEYBURN. If the Senator will give me his attention for a moment—

Mr. FULTON. I will.

Mr. HEYBURN. I think it is an important consideration. If, under the interpretation of the law as I understand the Senator to have stated it, the road may be assured a profit fixed, reasonable, and certain, I wish to inquire whether that does not amount to an underwriting of the stock and bonds of the transportation company upon the guaranty of the Government, and whether that is the kind of a law the Senator would have enacted?

Mr. FULTON. The Supreme Court has answered that question for the Senator, as he is doubtless aware. It has said that there may be cases where the corporation is not entitled to charge rates sufficiently high to pay dividends; there may be cases where the road has been built so extravagantly that its cost has been run up to an unreasonable amount. It may have unfortunately built it where there is very little business or not sufficient business to pay reasonable returns on the amount of the investment, or it may be operated extravagantly. In that sort of a case the carrier would not be entitled to make the profit that it would where it had the business which would justify a profit or where the road was economically conducted. But I am speaking of normal conditions. I am not speaking of exceptional or extraordinary conditions.

Now, take a railroad that is run under normal conditions, where it may earn a reasonable profit by charging reasonable rates, certainly the Commission should be empowered to restrict it to such rates, and the railroad should be required to conform to such rates.

Mr. HEYBURN. I will ask the Senator if that would not necessarily permit a railroad to charge any rate, within the rule of reasonableness, that might be necessary to make it a paying institution?

Mr. FULTON. No; not unless the conditions under which the railroad was operating justified it.

Mr. HEYBURN. Then I would ask whether those conditions might not be taken advantage of by a railroad company as a justification for charging any rate that would be equivalent to a profit, within the limits the Senator has mentioned, and would not that amount, as I repeat, to a guaranty of an income upon the cost of the railroad as represented by its stocks and debentures?

Mr. FULTON. Oh, I submit, with all respect to the Senator from Idaho, that he hardly submits a fair example. I think under the decisions of the Supreme Court the rule which the court will enforce is not difficult to understand. If a railroad is extravagantly managed, if unreasonable salaries are paid, and because of these unreasonable salaries the road can not charge reasonable rates and pay dividends, then it must suffer the consequences. It can lower the salaries if it sees fit, but it can not keep the salaries up to an unreasonable amount and charge unreasonable rates to meet them. In other words, the rule that will undoubtedly be enforced by the court is this: That a transportation company must be conducted along reasonably good business lines, under reasonably good management, and so conducted it is entitled to a reasonable return if the business of the company is such as will justify it.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. FULTON. I do.

Mr. FORAKER. The effect of what the Senator is saying is very important and very interesting. If I understand him, it is his idea that if we go into the rate-making business, as proposed in this legislation, it will be a part of the duty of the Interstate Commerce Commission to look at the conduct of the road generally in determining whether or not a fixed rate which has been challenged is reasonable; that it will go to the extent, in such a case, of considering the salaries paid to the officials who operate the railroad; I suppose the wages paid to employees, and I suppose the conduct of the road generally; and I state this, while I am on my feet, only suggestively, so that the Senator may answer it or not, whether it is necessary, as the officials of the road may have deemed it necessary, to expend the amounts of money they have been expending for the construction of new bridges, the elimination of curves, the reduction of grades, the enlargement of tunnels. The general conduct of the road; in a word, necessarily follows, does it not,

In order that the reasonableness of the rate may be intelligently determined?

I do not state this in an idle way, but in a serious way.

Mr. FULTON. I think the Senator is correct.

Mr. FORAKER. I think so.

Mr. FULTON. Yes; I think the Commission, when it undertakes to prescribe rates, must take into consideration all the business, the environment, the character of the property, the necessity for renewals, extensions, and every matter that a business man would take into consideration in the management of it.

I have no doubt, speaking of a railroad "enjoying," if I may use the term, normal conditions, normal surroundings, that such would be the rule. But, of course, there can be extreme cases imagined where a railroad has been built through a non-productive country or where it has been built at an extravagant cost and price. It can not, simply because of its misfortune in those respects, rob the people by outrageous prices in order to make the two ends meet. It must suffer the same consequences that a business man does in making a bad venture.

If it is conducting its business in a business way—in an economical way; if it is not paying unreasonable salaries, and is receiving a reasonable income, to which it may justly look for a reward and a just return on its investment, the Commission should, and the court will insist that the Commission shall, allow it to have such rates as will give it a reasonable return and a reasonable reward under those conditions. But that is all it is entitled to.

Mr. ALDRICH rose.

Mr. FULTON. I am anxious to close. I will yield to the Senator in just a moment, if he wishes me to. I was approaching this proposition: The fact that the courts have established so liberal a rule as to what constitutes a taking of private property for public use and what constitutes just compensation for the taking of private property for public use, is one reason why I have been willing to restrict this inquiry by the courts to the mere question as to whether or not the constitutional rights of the carrier have been invaded.

Had the court announced a less generous rule, had it said that the just compensation to which the railroads are entitled is merely enough of receipts to pay the cost of operation and of keeping up its property, I would not consent to limit this right of review to constitutional questions. But since the court has made a liberal rule and has said that the carriers are not only entitled to that but are entitled to a reasonable return on their property when managed in a reasonably good business manner, I think that is a safe enough rule for them, and we can safely, reasonably, and justly restrict them to a rule that will simply protect the constitutional rights as declared by the Supreme Court to be.

Now I yield to the Senator from Rhode Island.

Mr. ALDRICH. As I understand the contention of the Senator from Oregon, it is this: That under an effort made by a carrier to assert its constitutional rights, the question of the justness and reasonableness of the rates must be inquired into and inquired into upon the basis now suggested by the Senator from Oregon.

Mr. FULTON. Of course. I have no doubt about it.

Mr. SPOONER. Mr. President—

Mr. FULTON. Allow me to answer the Senator from Rhode Island.

I have no doubt about this. Should a corporation present a bill in equity, alleging that certain rates prescribed by the Commission amount to a confiscation of its property to this extent, that it deprives it of earning a sufficient return to meet its expenses and pay any profit, or a fair profit, the court will inquire into that rate and ascertain and determine whether or not the contention is true; and if that contention be found to be true, I have no doubt the court would enjoin the rate. Now I yield to the Senator from Wisconsin.

Mr. SPOONER. Only a question, to get at the Senator's ideas. Of course, it is not an appeal from the order of the Commission, because it is an administrative, a nonjudicial body. But it is an original bill filed in the circuit court of the United States.

I want to ask the Senator what he means by restricting the judicial power of the United States in such cases; whether he thinks the Congress can by any legislation exclude from the consideration of the court in such a case any right under the Constitution and laws of the United States which the complainant alleges and establishes has been invaded?

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. FULTON. I should first like to answer the Senator from

Wisconsin, unless the Senator from Minnesota desires to answer him.

Mr. NELSON. I want to answer the question.

Mr. FULTON. Very well; I will allow the Senator to answer it, and then I will answer it.

Mr. NELSON. The Constitution of the United States committed to Congress, and not the courts, the power to regulate commerce. If that power is given to Congress, why should we delegate any part of that power to the courts? The only power reserved to the courts is simply to see that we have not exceeded our constitutional powers—in other words, violated the fifth amendment. If you undertake to cover the right of appeal or review further than that, you withhold a part of the power that is given to Congress by the Federal Constitution.

Mr. SPOONER. The Senator from Minnesota does not answer my question.

Mr. FULTON. If the Senator will allow me, I understood his question to be this: Can Congress deprive the court of the right to inquire into a carrier's complaint, exhibited in a bill in equity, charging that an order of the Commission in any respect invades its constitutional rights?

Mr. SPOONER. Rights under the Constitution and laws of the United States.

Mr. FULTON. "Under the Constitution and laws of the United States" suggests two propositions. Under the Constitution of the United States is one proposition, and under the laws of the United States is another proposition. I say you could not deprive the courts of the power to inquire into the constitutional question, but that any right which a party has under the laws of the United States must be a right that is given to him by the laws of the United States, and may be regulated and the remedy restricted or denied as Congress sees fit.

Mr. SPOONER. What I ask the Senator is this: Is it competent for Congress to prevent a citizen of the United States, in any case in which the United States courts have cognizance, from filing a bill to protect him in the enjoyment of any right secured by the Constitution and laws of the United States?

Mr. FULTON. No. I will answer the question of the Senator by saying, no—if he has the right; but Congress can say whether or not he shall have a right to appeal to the courts to enforce a right given to him by Congress.

Mr. SPOONER. Yes; but the right which I understand he is appealing to the court to protect is not a right given to him by Congress, or a right that can be taken away from him by Congress.

Mr. FULTON. What is the right?

Mr. SPOONER. It is a right which exists under the fifth amendment to the Constitution of the United States.

Mr. FULTON. Very well. Have I not said that?

Mr. SPOONER. I know; but what does the Senator and others mean by using in that connection the words "restricting the right of review?"

Mr. FULTON. I tried to instance—

Mr. SPOONER. It is not a review. It is not an appeal. It is an original bill to secure a right under the Constitution and laws of the United States.

Mr. FULTON. Very true.

Mr. SPOONER. If no right exists under the laws of the United States, that is one thing; but if the right exists under the Constitution or under the laws of the United States, is it possible to restrict the judicial power as to that right?

Mr. FULTON. No; if the right exists.

Mr. SPOONER. Of course.

Mr. FULTON. It is very true that this proceeding, as the Senator says, is an original proceeding. It is not an appeal. In one sense you may say it is not a review, but we call it review. It is a convenient term, and we all know what we mean when we speak of the "right of review."

I answer the Senator by saying no. Speaking broadly, if the party has a right under the Constitution or laws of the United States, we can not prevent the courts of the United States from taking jurisdiction to enforce his right, but we can say whether or not he has a right to litigate in the courts a certain question which arises under a law of Congress. Aliens have a right to land in this country.

Mr. ALDRICH. They have no such right.

Mr. SPOONER. No.

Mr. FULTON. They have a right—

Mr. SPOONER. No.

Mr. FULTON. Certain aliens have a right to land in this country under the laws of Congress, but Congress restricts the right.

Mr. SPOONER. Whether an alien can land in this country—

Mr. FULTON. If the Senator will kindly wait a moment,

the Supreme Court has held, in the interpretation of the Chinese-exclusion act, as the Senator is well aware, that under the law of Congress which excludes Chinese from coming into this country Congress may clothe a purely administrative body with the right to determine whether or not a man is a citizen; whether or not he is a Chinaman, and if the board says he is a Chinaman, it can exclude him. And it was, I confess, to my utter amazement and astonishment that the court in one case held that even if the party demanding admission contended that he was a citizen of the United States he could not appeal to the courts under the writ of habeas corpus act and have that question litigated, but that he was bound by the ruling of an administrative officer. In that case the applicant for the writ of habeas corpus claimed to be a native-born citizen of this country. I do not believe, I will say, with all due regard and the highest regard for the Supreme Court, that particular decision is good law.

But there are cases of that character where Congress creates the right in a party—and I only cite that as an extreme case for the purpose of illustration—where Congress has the power to restrict the right and determine to what extent, if any, the party is entitled to a judicial trial or investigation.

Now, then, Congress or State governments create these corporations; give them the right of eminent domain; give them the right to collect charges; give them the right to make rates; give them the right to engage in interstate commerce. There are certain things that Congress may regulate and limit in the execution or enjoyment of the rights it has given those corporations to employ in interstate commerce. It may not take their property from them without just compensation; it may not deprive them of their property without due process of law. But there are matters which it has given them the right to do—to build railroad tracks, sidings, to connect with other public utilities, factories, shippers—and Congress may say to what extent they shall be subjected in the exercise of such rights to the control of a commission appointed and created by Congress, and whether or not the determination of the Commission shall be final and conclusive.

Take the instance I suggested a while ago—

Mr. SPOONER. You do not mean that?

Mr. FULTON. Yes; I do.

Mr. SPOONER. The Senator does not mean to say, of course, that Congress can commit to an administrative body the power to fix a reasonable rate and to make that finding conclusive.

Mr. FULTON. No; I did not say "rate."

Mr. SPOONER. That is what we are talking about—rates.

Mr. FULTON. But I did not use the word "rate." I said there were many administrative matters such as the matter of sidetracks, building bridges, etc., which a corporation could not exercise at all did we not give them the right to exercise them. The corporation could not build a mile of railroad if it were not authorized by the Government to do it. The Government authorizes it to build switches to connect with shippers. It can only do that by the grace and authority of the Government. When it does it by the grace and authority of the Government, that is one of the rights which the Government can absolutely restrict and prevent it going into court to litigate. It can attach that condition to the exercise of the right. It can create an administrative board. It can commit to that administrative board the power to pass on questions of that character, and it is "due process of law" in such cases.

Now, the Senator will not contend, I am sure, that due process of law means judicial investigation in all cases. Due process of law in many instances is satisfied when an administrative board or body has inquired into and determined the matter. The Senator will not dispute that, I submit.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. FULTON. Certainly.

Mr. TILLMAN. If the Senator will permit me, I will direct his attention to another phase of this power that is not reviewable. It is in the Post-Office Department. The Postmaster-General is authorized by act of Congress to take into consideration whether the mails are used by any person with a view to defraud, and then, by issuing a fraud order, which may or may not be based upon a just conclusion and a true statement of the facts, property may be destroyed or rights taken, and there is absolutely no appeal to the courts, and the citizen can not get into the courts in those cases.

I have had complaint after complaint come to me, pointing out wherein fraud orders have been issued against certain parties and their property destroyed and they have tried to get into court to test the matter to see whether they were being

robbed or imposed on and they can not get in at all. Why? The Congress did not permit it.

Mr. FULTON. There is something in what the Senator argues on that proposition. The right to enjoy the facilities of the mail is not a natural right, but a right granted by Congress, and of course Congress can restrict a right to investigate or review its orders in that regard. There is very much in what the Senator from South Carolina says.

Mr. SPOONER. I should like, if the Senator will permit me—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. FULTON. I shall be very glad to have the Senator ask me a question.

Mr. SPOONER. The Senator has made a very thoughtful and able speech. We all want to get at the right of this matter. I wanted to bring the Senator back for a moment to one point. I agree with what he has been saying in answer to the Senator from South Carolina, although the court distinguishes the post-office matter as being entirely different from the question which we are discussing.

Mr. TILLMAN. It is very unfortunate for me that whenever I get the Senator from Wisconsin up against a proposition of constitutionality he begins to say the court distinguishes between my contention and his own.

Mr. SPOONER. It may be unfortunate for the court from the Senator's standpoint, but I will undertake to satisfy even the Senator, and that is easy—

Mr. TILLMAN. I am always reasonable, I hope.

Mr. SPOONER. That the Supreme Court of the United States has distinguished between the exercise of the power to which he refers in post-office cases and the power of taxation and the exercise of the power of eminent domain and the question we are discussing and considering here. I have not the decision here, but I am perfectly familiar with them, and the Senator is not. I will bring them to his attention, and if he has any complaint to make it is with the Supreme Court and not with me.

I want to bring the Senator from Oregon back to this question if he will, for a moment, to see what he means by a restricted review. He concedes—he must concede—that while in cases like the Chinese case, and other cases which are referred to by the court, there may be committed to an administrative body, executive officials, the determination of questions of fact and their conclusion may be final, it is not true that the fixing of rates by this Commission can not be made final or conclusive.

Mr. FULTON. I agree to that.

Mr. SPOONER. The Senator agrees to that, of course. The carrier may go into court and complain that the rate is such as to deprive him under the Constitution of the just compensation which that instrument secures to him.

Now, I want to ask the Senator if, the amount being sufficient, it is competent for Congress to deprive any citizen of the right to assert, or of the court to determine or adjudicate upon the right, which he claims under the Constitution or laws of the United States is invaded? The judicial power extends to rights arising under the Constitution and laws of the United States. Where does this power to restrict come in the case we are talking about here? It can not fall short of just compensation, the Senator will admit, which Mr. Justice Brewer says is the full and fair equivalent, and must be the full and fair equivalent. Beyond that, what can there be, unless it be that the Commission exceeds its power in some way? If the Commission exceeds its power under the law which creates it and which governs it, the Senator will admit that that is a subject of adjudication—

Mr. FULTON. Certainly.

Mr. SPOONER. By the court, and that power can not be taken away from the court. Now, where do we differ?

Mr. FULTON. I hope that we do not differ. I hope the Senator takes the same view I do. I suggested in the early part of the discussion, and I was quite sure he would—

Mr. SPOONER. What does the Senator mean, then, by restricting the party in this question?

Mr. FULTON. I mean, as I have endeavored to explain several times, that I would restrict the party or the court on a suit instituted for the purpose of inquiring into the legality of an order of the Commission to an inquiry as to whether the enforcement of the order would amount to a taking of the property without just compensation. The burden of proof would necessarily be on the party asserting that it did amount to that; and if he failed to show that it did amount to a taking of property without just compensation, the meaning of which the court has so frequently described, the court could not inquire further. The court could not go on and substitute its discretion for that of the Commission. I would not have the court authorized to go into the inquiry that far.

Mr. SPOONER. Could we confer that power?

Mr. FULTON. I suppose we could provide for a trial, *de novo*, if we wished to. We authorize the Commission to fix reasonable rates. We say that a reasonable rate must be such a one as will afford just compensation. I do not know how much ground there is between the line marking reasonable compensation and the line where the rate becomes exorbitant. Is there a broad space between the two lines within which discretion may be exercised? I do not know. I am not sure about that. It is contended by many that there is. But I am very sure that if we restrict the judicial inquiry to inquiring as to whether or not the rate that has been fixed by the Commission is unreasonable to the extent that it deprives the carrier of a just return on his property, we will not do him an injustice.

Mr. HEYBURN rose.

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from Idaho?

Mr. FULTON. Certainly.

Mr. HEYBURN. I should like to inquire of the Senator, because of a remark which he has just made, whether he believes Congress can restrict the judicial power at all. The Senator speaks of limiting the judicial power.

Mr. FULTON. I do not think that I have spoken of limiting the judicial power. If so, I have done it unintentionally.

Mr. HEYBURN. I did not know whether the Senator used it intentionally or not. He spoke of restricting the judicial power.

Mr. FULTON. The power of the court, under this act, to inquire into the reasonableness or unreasonableness of a rate may be a part of the judicial power, but it is not restricting the judicial power when I say that the inquiry of the court shall be confined to a case involving the question of the constitutionality of the rate.

Mr. HEYBURN. I should like to know where the line is to be drawn after the court has jurisdiction of a question as to the measure of its power. Does the Senator think, the court having jurisdiction of a question, Congress can say how far it shall exercise its judicial power?

Mr. FULTON. I do not think that question arises here.

Mr. HEYBURN. It seems to me that it does upon the consideration of the very proposition just submitted by the Senator. I should like to have the Senator's attention for a moment.

Mr. FULTON. Certainly.

Mr. HEYBURN. The distinction which governs that was clearly drawn in the Constitutional Convention by Mr. Madison. When the Constitution was originally reported from the Revision Committee what is now section 2 of Article III was section 3 of Article XI, and it thus remained for consideration before the Constitutional Convention about three weeks. The language used in the beginning of section 3 of Article XI was "the jurisdiction of the Supreme Court" shall attach to the various subjects that are now comprised in section 2 of Article III of the Constitution. On the motion of Mr. Madison, seconded by Gouverneur Morris, the language of that section was changed so that instead of reading "the jurisdiction of the Supreme Court of the United States shall apply" it was made to read as it reads now, for the purpose of obviating the very suggestion contained in the Senator's remarks—that the same degree of power should be conferred as to the class of actions enumerated in section 2 of Article III, which was then section 3 of Article XI, as was conferred by section 1 of Article III, showing that the Constitutional Convention had in its mind to draw clearly the distinction between jurisdiction and power. And the courts—

Mr. FULTON. Now, if the Senator will allow me, I wish to conclude my remarks.

Mr. HEYBURN. Allow me to finish my sentence. The courts having retained jurisdiction, I inquire whether the Senator thinks the jurisdiction of the court, having attached to these subjects-matter or the litigation, an act of Congress can say how far that power shall be exercised?

Mr. FULTON. I agree with the Senator, if that is his contention, that if we give the court jurisdiction of a particular subject, we can not regulate or say what character of judgment the court shall enter. I admit that there is a vast difference between judicial power and jurisdiction, and I admit that the judicial power which is conferred by the Constitution can not be restricted by legislation, nor can its exercise be restricted. But we may say whether or not the court may take jurisdiction of a certain case. Granting it jurisdiction of the case, however, we may not restrict its judicial power. It seems to me that there may be a broad space between a reasonable and an unreasonably high rate, and within that zone the fixing of a reasonable rate is a matter of discretion.

Mr. HEYBURN. I should like right there—

Mr. FULTON. When you get beyond the line where it is simply a reasonable rate, to the extent that it affords a just compensation to the carrier, there is a broad field for the exercise of discretion—purely discretion. I would not give the court power to go into that and substitute its discretion for the discretion of the Commission. I would not grant it jurisdiction in such a case. That is different from granting it jurisdiction and then attempting to limit its judicial power.

Mr. HEYBURN. Now, if the Senator will permit me, he admits that we can not control the ultimate decision. Can it be possible, then, that Congress can prescribe a rule by which that decision or conclusion is to be reached? Inasmuch as this proceeding is in equity, can we say by what process or to what extent the mind of the chancellor shall be subjected in order that it may be convinced of the right of a cause? Can we place any limitation upon the mental process or can we prescribe the limit beyond which the mind of the chancellor shall not go?

Mr. FULTON. No; the Senator is very correct about that. There is no dispute between us on that proposition. But we do not give the court jurisdiction of the case. We do not give the court jurisdiction of any case under this bill; but under the Constitution the court has the right to take jurisdiction of a case to preserve the constitutional rights of the citizen, to inquire whether his property is being taken without just compensation. The inquiry of the court is limited to that. That is the case before the court.

Now, how far the court will go in saying what is a reasonably compensatory rate is for the court to say. We can not by law say that the court shall say this or that is a reasonably compensatory rate. If we could, we could make a rate fixed by the Commission conclusive. We could do the one just as well as the other. That is a matter which rests in the sound discretion of the court. But we can establish the broad proposition that the rates shall remain as the Commission fixed them unless they violate the constitutional rights of the party to the extent that they amount to a taking without just compensation.

Mr. HEYBURN. Mr. President, I will ask, Can we say that?

Mr. FULTON. As the Senator from Wisconsin [Mr. Spooner] suggests to me, we do not have to say that. If we say nothing, as I propose this bill shall, and as it does at the present time, that is all the court can do.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield further to the Senator from Idaho?

Mr. FULTON. I will yield for a question, but I will say to the Senator, with all kindness, that I am very tired, and I rather suspect the Senate is, too. I should like to finish.

Mr. HEYBURN. I do not think the Senate is at all weary of the very excellent argument the Senator has been making. I will not prolong the Senator's time.

Mr. FULTON. If the Senator wants to ask a question, I will yield to him.

Mr. HEYBURN. I will say what I have to say in my own time. It was rather a commentary upon the Senator's remarks than a question.

Mr. FULTON. Then, Mr. President, I will conclude the statement that I started in to make some time ago. In view of the very liberal rule which the court has made as to what constitutes just compensation, it does not seem to me that we are fixing a rule that will work a hardship on the carriers when we say that so far as the right of review is concerned it shall be limited to that. I thank the Senate for the consideration shown me, and I yield the floor.

Mr. LONG. Mr. President, I desire to offer an amendment. I send it to the desk and ask that it be read.

The VICE-PRESIDENT. The Senator from Kansas proposes an amendment, which will be read.

The SECRETARY. On page 11, line 5, after the word "prescribed," strike out all of said line down to and including the word "jurisdiction," at the end of line 9. On page 14 strike out all of line 18 down to and including the word "effect," in line 2, page 15, and in lieu of the words stricken out on page 14 insert the following:

That all orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time as shall be prescribed by the Commission, and shall continue for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless sooner set aside by the Commission or suspended or set aside in a suit brought against the Commission in the circuit court of the United States, sitting as a court of equity for the district wherein any carrier plaintiff in said suit has its principal operating office, and jurisdiction is hereby conferred on the circuit courts of the United States to hear and determine in any such suit whether the order complained of was beyond the authority of the Commission or in violation of the rights of the carrier secured by the Constitution.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. LONG. Mr. President, with the indulgence of the Senate, to-morrow, immediately after the conclusion of the morning business, I shall speak upon the amendment.

Mr. HEYBURN. Mr. President, it had not been my intention to make any remarks upon the pending bill to-day, but in view of the conditions that have arisen I will ask the indulgence of the Senate for a few minutes. I will call attention to some features of the bill which seem to me absolutely essential to be considered and determined before we can intelligently meet the expectations of the people by this legislation.

The bill does not provide any remedy by review on the part of the real party in interest, the producer and the shipper. It is the interest of the producer and shipper that we are supposed to be trying to protect in this legislation, and yet there is not one word or declaration in the bill that gives either the right to appeal from the decision of the Interstate Commerce Commission under any circumstances. Thousands of complaints have been filed with the Commission since its creation that have been adversely determined or not determined at all. The shippers have stood mute and silent because the law afforded them no remedy except the expensive common-law remedy of going into a court to recover damages at their own expense from the corporation at whose hands they were wronged.

Can it be possible that any effective or sufficient legislation upon this question of regulation of freight rates in the interest of the producer and shipper can thus ignore them, place them absolutely at the mercy of the Interstate Commerce Commission, and give them the right to appeal neither from the decision of that Commission nor to the courts? Can it be possible that such a class of legislation will meet with the expectations of the people or that it will cover their necessities? I do not think so, and I think before this question leaves this body we will have found it necessary to give the producer and shipper their day in court, too. Where, under the provisions of this legislation as proposed in any measure before this body, is the producer or shipper given his day in court, except the vicarious provision that he may through the guardianship of the Interstate Commerce Commission, if in the wisdom of the guardian he has been wronged, have his rights reviewed?

I commend that to the consideration of those who have framed and presented this measure to the Senate as one that they will have to answer to the people for when in their hour of disappointment they shall realize that they have simply had a guardian appointed for them.

Mr. KNOX. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. HEYBURN. With pleasure.

Mr. KNOX. I quite agree with the Senator from Idaho in his observations, so far as they extend to the bill under consideration; but he asks where in this bill or in any other bill which has been proposed is there a provision for protecting the right of the shipper and giving him his day in court? If the Senator will do me the honor to read the bill I proposed, he will find that that provision is specifically in that bill, and that from any order the Commission may make the shipper or any other party to the proceeding may carry the case into court.

Mr. HEYBURN. Mr. President, I did not intend that my remark should be so comprehensive as it seems to have been. I was referring more particularly to the measures that had been presented to the Senate by the committee having charge of the pending bill. I will, in justice to the Senator from Pennsylvania, say that the provisions of the amendment suggested or introduced by the Senator go much further in the right direction than do any of the provisions of the bills that have come from the Interstate Commerce Committee of this body. Now, I would not under any circumstances be guilty of disrespect or of a slighting remark with reference to that committee. Through many long months it labored conscientiously with this question in its endeavor to solve it and present a bill that would cover the necessities of the people; and it did bring in here doubtless a more comprehensive bill, something that more nearly approaches a protection of the rights of the shipper than anything that had been presented to the Senate before. But the committee, unfortunately, did not entirely agree among its own members as to what was necessary to meet the emergencies of this situation; and, Mr. President, it is now out of the hands of that committee. This bill is before the greatest legislative committee in the world—the Committee of the Whole of the United States Senate. Every member of this body is a member of that Committee of the Whole. We are here to consider this bill as a matter of first intention; and, if we can, to gather up out of all that is before us that measure of wisdom that will meet the requirements in reference to rate legislation.

Mr. President, it is just as necessary that the producer and shipper should have their day in court and that their constitutional rights should be observed as it is that the carrier should have his day in court.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. DOLLIVER. I understand the Senator to say that the shipper ought to have the right to have the order of the Commission fixing the maximum rate reviewed in the courts. Do I understand him correctly?

Mr. HEYBURN. Yes.

Mr. DOLLIVER. Would the Senator be kind enough to state what remedy the courts could give the shipper in such a case? If I understand it, the jurisdiction of the court is very simple in such a case. It has the jurisdiction to affirm the order and it has the jurisdiction to vacate it. If the order is affirmed, the shipper is just where he was; if the order is vacated, the shipper is thrown back upon the original railroad rate and regulation. I should like to understand upon what theory the Senator expects the shipper to cast his fortunes in a litigation of that sort?

Mr. HEYBURN. If the decision of the Commission is affirmed, it is true the shipper is just where he was. He is under the guardianship of the Commission. If the Commission has erred and the court sustains the contention of the transportation company and turns down the contention of the shipper, the shipper is just exactly where he was, suffering under the wrongs of which he complains.

Here is the vice contained in this bill. It is on page 39 of the reprint. I will read it. After providing that the party may bring his suit in his own name and on his own responsibility to recover damages, etc., it says:

But such person or persons shall not have the right to pursue both of said remedies, and must in each case elect which one of the two methods of procedure herein provided for he or they will adopt.

That is to say, when a person has complained to the Interstate Commerce Commission, of course he is taking the chances on their determination of the matter. He is compelled by the provisions of the bill to elect, in an hour when he can not exercise any discriminating judgment as to what would result best for him, whether he will abide by the decision of this Commission, which is a mere arbitrator, or whether he will preserve to himself his constitutional rights to maintain an action in his own name. While I have my doubts about the court sustaining an objection to his proceeding in a case, notwithstanding the fact that he had placed his case in the hands of the Commission, yet we are to take this bill upon its face, and if he has once submitted his case to the Interstate Commerce Commission, according to the terms of this bill, he is precluded from exercising his constitutional right to test the reasonableness or the justness or the legality of the rate from which he has appealed or the conditions to which he has objected.

I ask again, Where and when does the producer or shipper have his day in court, when the bill by its own terms provides that, having taken advantage of this measure, he may not again appeal to the court under the constitutional right which is inherent in him?

I merely intend to-day to suggest these objections. They will have to be answered in the minds of Senators before they cast their last vote upon this question; and before this bill leaves this body we shall be compelled to take up the producers' and shippers' side of it. The producers, the shipper, and the consumer are the parties whose interests are very closely woven together in this matter, and the bill has not been discussed from the standpoint of either the consumer of the commodity or the shipper of it, who generally is the producer of it or the factor of it. All of the energy and intelligence of this body has been directed rather to how and to what extent we could deal with the rights of the transportation company.

The transportation company is not necessarily the enemy of the producer of commodity or the factor of commodity or the shipper of commodity. It is presumed that in the majority of cases the law of contract would be sufficient, but this proposed law is dealing only with those cases where the law of contract is not sufficient, because, if the law of contract were sufficient, there would be no complaint filed with the Interstate Commerce Commission.

I commend these thoughts to Senators, that they may deal with them, because the people are going to inquire, "Well, what have you done for us?" They are going to say, "We were not asking you to punish in a punitive way the transportation companies of the land; they are not our enemies; we only ask you

to adjust the rights between us, and to provide a remedy for their enforcement."

The Constitution of the United States has provided the courts, it has given them judicial power, and we can not take it from them; we can not change the processes of their action; we can not prescribe a rule by which the mind of the chancellor shall be convinced; we can not limit the scope of inquiry that the chancellor demands in order that he may conscientiously deliver his decree.

Much of this discussion—and I say in all respect to Senators—seems to me to have been directed to this, perhaps I might term it misconception of the distinction that was made, and made deliberately, in the framing of the Constitution of the United States, between judicial power and jurisdiction. One begins after the other has performed its duty. The power is given by the Constitution; the jurisdiction is apportioned and divided by Congress, subject to the limitations of the Constitution.

The Constitution, in order that there might be no uncertainty in a certain line of cases or under certain conditions, prescribes not only the power, but the jurisdiction, and in the second section of Article III of the Constitution the power is given to the courts to deal with certain questions. That did not mean to deal with them at the whim and caprice of changing fancy or of changing Congresses. It meant that it should be a substantial right that should be the same yesterday, to-day, and to-morrow. We apportion the jurisdiction between the courts where the Constitution has not done it, and only in those cases; but we do not limit or apportion the power of the court.

The court of equity, as was said by Lord Eldon in a celebrated case, having once the power to determine a question, regulates its own jurisdiction so far as the method of exercising that power is concerned, and it has been said, in reviewing that case, by more than one eminent jurist of this country, that the rule stated by Lord Eldon in that decision—I believe it was in *11 Vesey*—ran all through the jurisdiction of the courts of equity of the United States in dealing with its functions; that it was not subject to be changed or modified by the legislature of either the States or of the United States; that the power being in the court, it being a coordinate branch of the Government, the manner of the exercise of that power was for the court, and not for the legislature. We enact a law. It is for the court to say whether or not that law is in conformity with the Constitution of the United States—that great sailing chart of the ship of state, which, perhaps, is the best drawn legal document of which there is any record in the history of this or any other country.

Mr. President, I do not intend to elaborate to any great extent upon this idea. I merely want to set it abroad. I made a suggestion while the Senator from Oregon [Mr. FULTON] was speaking, which has some force, which I desire to commend to the consideration of Senators. If we are to declare a rule here, or if we are to assume that the decision of the courts has established a rule that every transportation company in this country is entitled to earn, and to be guaranteed and protected in earning, a given percentage upon its investment on the value of its property, it amounts, as I said before, to underwriting the stocks and bonds of that railroad company. If we take the value of the stocks and bonds of a railroad company as the basis upon which to estimate the earnings that that railroad is entitled to make, and we say to the world that we thereby authorize this railroad or transportation company to make such charges for its services as will yield it 6 per cent upon its investment, what have we done? We have created a class of investments, whether it be the stocks or bonds of these railroads, that are better and worth more than the bonds of the Government or any of the municipalities within the Government. We say to investors, "The Government is behind you; we will protect you and guarantee you the right to earn 6 per cent upon these stocks or bonds," have we not? Do we intend to do it? I think not. I think if we should do anything that could be so construed, we would be called to account for it by the people upon the very first occasion when they had the opportunity to do so.

I desire to call attention to but one more question to-day. It is an important question, and is another question that has to be solved. It is one that was suggested to me by the amendment that was offered by the Senator from Pennsylvania [Mr. KNOX] with reference to the disposition of the funds deposited in court during the review of the decision of the Interstate Commerce Commission. I want to inquire as to the manner of the disposal of that fund, because it will in some cases amount to hundreds of thousands of dollars. I have an item of shipment of stock from the State of Idaho alone, some 8,000 cars during

the last stock-shipping season, which would amount to more than a million dollars in freights; and a difference of 3 per cent between what the shipper thought was a fair rate and what the railroad company claimed was a fair rate would amount to an ordinary fortune. That money is provided to be deposited in the court or to be represented by a bond that is equivalent to the cash.

Before the question is settled as to who was right in that controversy, as to whether the shipper was right or the railroad company was right, months have elapsed; that money has been idly resting in the security of the court, whether in the form of cash or bonds. The court decides, for example, that the shipper was right in the controversy, and that money goes back to the shipper; but the shipper has disposed of his stock in the cattle yards along the Mississippi Valley. He has placed a price upon that stock based upon the possibility of his never receiving back the money that is in court, based upon the possibility of his losing it, because he would be an unwise man to take any chances. Now, he has received a price for his commodity commensurate with the value based upon the freight that was demanded of him and which he paid into court. When the money is paid out by the court, to whom does it go? To the shipper? He has already received it; he has taken it into consideration in disposing of his commodity. To the railroad company? They have been adjudged not entitled to it. To whom does it belong? It belongs to the people who bought that meat from the cutter's block and who consumed it in their homes. They are the ones who paid the increased price. They paid for it on the basis of the maximum freight demanded by the railroad company.

Senators, we have to solve these questions before we can dispose of this bill. There are a good many questions yet to be solved in legislating upon this subject, many of which have not yet been broached; and on this occasion, as I say, I only desire to call attention to them. The Senator from South Carolina [Mr. TILMAN] met me on one occasion by asking, "Why do you not offer amendments?" It is not yet necessary to offer these amendments. The discussion of this matter in Committee of the Whole, as we are now considering it, means that we are trying to sift our minds down to the ultimate conclusion that will justify a man in crystallizing his conclusions in the shape of amendments, and we are not called upon to put them in the form of amendments, and send them now to the Secretary's desk only, perhaps, to be criticised by ourselves afterwards. We are here for an intelligent interchange of ideas upon this subject; and it may be true, and doubtless it is, that the suggestions I have thrown out are subject to criticism, and that by the time we have discussed this measure backward and forward, we shall all of us have arrived at modified conclusions, even upon the questions about which we have felt most certain. It is not enough to dispose of the legal questions; they must be disposed of, and disposed of with exactness and accuracy; but after we have disposed of them, we must apply them to the necessities of this class of legislation, and see to it that when the bill finally becomes a law, if we shall agree upon one—and I sincerely trust we shall—it will not only stand the scrutiny of the Supreme Court of the United States, but it will stand the scrutiny and meet the approval of the people in whose interest we are legislating.

Mr. NELSON. Mr. President, I propose to ask the indulgence of the Senate for a few moments to consider the argument that this bill is unconstitutional, because it does not contain in express terms an express provision for review.

I listened with rapt attention to the exceedingly able speech of the junior Senator from Pennsylvania [Mr. KNOX] on the pending railway rate bill. I have since that time read his speech in cold type, and I have pondered much over his argument that the bill is unconstitutional because the right of judicial review is not conferred in express terms. While it may seem ungracious and presumptuous for me, a plebeian lawyer from the far Northwest, to differ on this point with such an able lawyer as the Senator from Pennsylvania, yet I can not forbear, in this forum of free and full discussion where, at least in a technical sense, we are all on a footing of equality, to express my dissent from the conclusions of the Senator and to briefly express the grounds and reasons for such dissent.

First. There is in the bill no direct or express bar to the right of judicial review, as there was in the case of the *Railway Company v. Minnesota* (134 U. S., 418), cited by the Senator, but on the contrary, both expressly and by necessary implication, the right of judicial review within constitutional limits exists. Hence the *Minnesota* case can have no application. The following language in the bill clearly implies that a judicial review is not barred, but rather contemplated and invited. I quote: "Or

be suspended or set aside by a court of competent jurisdiction," line 9, page 11, and by the language as to venue, etc., found on page 17:

The venue of suits brought in any of the circuit courts of the United States to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office. The provisions of "An act to expedite the hearing and determination of suits in equity, and so forth," approved February 11, 1903, shall be, and are hereby, made applicable to all such suits, and are also made applicable to any proceeding in equity to enforce any order or requirement of the Commission, or any of the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto.

Second. There are three modes in which a judicial review can be had under the bill: (1) Under the general right conferred by the judiciary act of March 3, 1887 (24 Stat., 552), as open to railways, if their rights are invaded, as to other litigants. The Commission is not a necessary party, nor the only one that could be made a party adverse to the railway company in such a proceeding. The party making the complaint to the Commission, or any other party seeking to enforce the order, would be a proper party to the proceeding. Besides, any shipper whose goods the railway would refuse to carry at the Commission rate would have a right of action, and the railway could easily raise such an issue. In either case the constitutional validity of the Commission rate would be subject to judicial review. (2) In a proceeding to enforce the penalties prescribed in the bill. In this the defendant can insist upon and successfully defend himself by showing that the order of the Commission is unconstitutional and beyond the powers of the Commission; that the rate prescribed is unconstitutional because it does not afford just compensation. In any criminal prosecution, or in any action to enforce a penalty based upon a statute, the constitutional rights of the defendant can always be asserted and maintained. The risk the defendant railway company would incur in ignoring a penal provision, in taking the chances of prosecution, is not other than nor different from the risk any defendant runs who persists in violating a penal statute—the risk that he may be mistaken as to its constitutional validity. But because of the willingness to run such risk, I do not think it is incumbent on us to extend, by our act, any greater favor in this case than in the case of other penal statutes. And (3) in the paragraph found on page 16 of the bill, providing that the Commission, or any party injured, may apply to the circuit court for an enforcement of the order. The term "regularly made" is manifestly not used in the limited sense that mere formalities have been observed, but in the general sense that it is in all respects "regular," or, in other words, "lawfully made." Such an order is not regularly made if beyond the competency or power of the Commission, for, be it always remembered that the Commission has no power to make other than "a just, reasonable, and fairly remunerative rate," or, in other words, a rate that affords just compensation to the carrier. The jurisdiction of the Commission and the constitutionality of the order would, under all circumstances, be involved and passed upon in proceedings to enforce the order. An order is not "regularly made" unless it is within the pale of the Constitution.

My dissent, however, from the views of the Senator from Pennsylvania is based not only upon the reasons I have already given, but I base the same upon more fundamental grounds—grounds that reach to the very theory and structure of our Federal system.

The Constitution is a power of attorney conferred by the people of the United States and by the several States upon our Federal Government; in fact, it is the life-giving force of our Federal system. This instrument distributes the powers of the Federal Government among three separate and distinct departments—the legislative, the executive, and the judicial departments—each supreme within its own sphere and function with but one exception, and that is this: The judicial department, not through any express constitutional grant, but through a power resting upon a uniform and continuous construction of the Constitution for upward of a century and so firmly embedded in our judicial system as to have the force of an express constitutional grant, has assumed and still assumes the right at all times to determine whether the two other departments are performing their functions within the pale of the Constitution.

The power to regulate commerce is vested as fully and completely in Congress as the judicial power is vested in the courts. It is only when Congress proceeds outside of the pale of the Constitution—violates the fifth amendment—that the court, under the Constitution, is warranted in restraining or passing upon the action of Congress in exercising this power.

The court can not restrain on any other ground. To attempt to do so, or to attempt to vest the court with power to do so,

would be to attempt to divest or withhold from Congress a part of the power conferred upon it—the power to regulate interstate commerce. This power would be lame and impotent and of no value if the courts could stay or thwart the will of Congress on any other ground. It would transfer the regulation of interstate commerce from Congress to the courts, and it would do violence to that distribution of governmental powers provided and contemplated by the Constitution. It would make our Government not one of three departments, but a Government of a single department—the judicial.

The courts are possessed of no greater or other power over an act to regulate railway rates than over any other act of Congress. It is not necessary nor requisite to the validity of any act of Congress that it should in express terms provide for judicial review as to the validity of the act, so long as the courts are open for all cases in law or equity arising under the laws of the United States. Congress can not bar a review. But an act of Congress is not unconstitutional because it fails to provide in express terms for judicial review. If that were necessary or requisite to the constitutional validity of an act, then the number of unconstitutional acts on our statute books would indeed be great. It has never been customary, except in acts relating to the jurisdiction and procedure of our courts, to provide in express terms, in any act, for judicial review as to the constitutional validity of the act. It would be an anomaly in constitutional law if Congress were to be thus subrogated to the courts. It would be as though Congress threw itself on the mercy of the court in the instance of every act. The constitutionality of the legal-tender act, which wrought a revolution in our monetary system—more far-reaching in its consequences than even the bill under consideration—was never questioned or doubted upon the ground that it did not in express terms confer the right of judicial review. And although the act did not in terms provide for such review there was found under it an open avenue to the courts, and the Supreme Court finally passed upon and sustained its validity. The same is true of the tea-inspection act of 1897. The case of *Buttfield v. Stranahan* (192 U. S., 470) illustrates this. The same is also true of the statute authorizing the Post-Office Department to issue so-called "fraud orders." There has been no impediment to judicial review within the pale of the Constitution in such cases. The case of *the People's United States Bank v. Gilson et al.*, in the circuit court of the United States for the eastern district of Missouri, is an illustration of this, and the case of *Public Clearance House v. Coyne* (194 U. S., 497) is also in point. Many other instances of similar import could be cited. If the constitutional rights of any person or corporation are invaded by any act of Congress, the courts are open under the general statutes and can grant ample relief to all such persons or corporations, and there should be no discrimination in granting judicial relief.

If Congress—I call attention to this statement—instead of conferring the rate-making power upon the Commission, as proposed in the pending bill, were itself to exercise the power directly by passing an act fixing rates, as it would under the Constitution have the right to do, would such an act be unconstitutional because it did not in express terms provide for judicial review, so long as it left the general judicial door open? Manifestly not. Such an act on that ground would be as valid as the legal-tender act, the tea act, and the postal statute. There is a general statute, an open door, for all persons whose constitutional rights are invaded through which they can invoke and obtain the determination of their constitutional rights, and this door is open to the railways as well as to other litigants, and as long as Congress does not bar this door it violates no provision of the Constitution.

If such an act of Congress as I have suggested—a direct rate-making law without the intervention of a commission—would be valid without an express judicial review provision, then how can an act vesting in a commission, an administrative body and the agent of Congress, the power to make rates under a rule and standard fixed by Congress be unconstitutional because it contains no express provision for judicial review so long as the door for judicial review is not barred, but is left open as in other cases? What Congress can do directly in this case it can do through the intervention of a commission. The only limitation upon its power or the power of the Commission is that found in the fifth amendment. There is a broad open door into the courts for all litigants, railway companies and others. Why should a special door or avenue be given to the railways? The foregoing considerations, baldly and briefly stated, lead me irresistibly to the conclusion that the pending bill is not unconstitutional.

I concur in all that was said by the Senators from Wisconsin and Pennsylvania in their most eloquent remarks about upholding and maintaining the integrity of our courts and their juris-

diction. The force of their argument on this point meets my hearty approval. But while such is my attitude to our courts and our judicial system, I would invoke the same principles and the same argument in behalf of the power and integrity of Congress. It is one of the great coordinate departments of our Government. I would do nothing to diminish or withhold from Congress any of the power and dignity that belongs to that body or in any manner to make it unnecessarily subservient to either of the other departments.

The disposition of some of the public press to deprecate and belittle Congress, especially the Senate, can do us no harm among those whose good opinion is worthy of consideration. But to suffer any other department of the Government, directly or indirectly, to derogate or absorb, in any form or by any method, any power or part of a power vested in Congress by the Constitution would do us more harm and be more baneful in its consequences than could possibly result from any public clamor or criticism. I am as unwilling to derogate from Congress any of its constitutional powers as I am unwilling to derogate from the courts any of the powers vested in them by the Constitution.

If the sole ground for supporting a review amendment were that the pending bill is unconstitutional, I could not honestly vote for such amendment on that ground, though I might vote for it on other grounds. It has always been the doctrine of the best class of theologians to stand firm as to essentials, but to be yielding and forbearing as to nonessentials, if necessary to quiet timorous consciences. I am willing to apply such a doctrine to this bill. The main and essential part of the bill is vesting the rate-making power in the Commission. The providing for a special avenue of judicial review within constitutional limits is comparatively and, as regards the main point, less essential. If a review amendment merely prescribing the mode, and not attempting to divest in any shape Congress of its constitutional power to regulate commerce, and not conferring on the courts greater power than that given them by the Constitution—the power to see that Congress keeps within constitutional bounds—is offered, I can support such an amendment, if it will quiet timorous consciences; but I am unwilling to support any amendment that would derogate from Congress any of its just power to regulate commerce. The integrity of Congress is as near and dear to me as the integrity of the courts. I would despoil neither.

Mr. TILLMAN. I wish to ask the Senate to pass an order in regard to printing. The Senator from Indiana [Mr. BEVERIDGE], on the 28th of March, asked the Senate to order a reprint of the interstate-commerce act and acts amendatory thereof and the pending bill. I understand that that reprint is already exhausted, and there seems to be a very great demand for these documents. I therefore ask that the Senate order that 5,000 copies of Document No. 292, present session, be printed for the use of the Senate with this change: While the old law and the proposed law, the Hepburn bill, shall appear in parallel columns, the proposed changes in the old law shall be indicated by italics. It is just as easy to print them in italics as in roman, and then you can glance and see in a moment what is old and what is new. If you do not do that, you have to collate and compare in order to discover the differences.

Mr. BEVERIDGE. I think the suggestion of the Senator from South Carolina is a good one.

The VICE-PRESIDENT. Without objection, the order requested by the Senator from South Carolina will be made.

Mr. BEVERIDGE. I ask, in addition to that request, that at the end of the whole document there be printed the various amendments relating to court review which have already been offered, with the name of the author of each, and that that section of the bill introduced by the Senator from Pennsylvania [Mr. KNOX] relating to court review shall be printed, so that we may have in one document immediately at hand the whole information.

Mr. TILLMAN. I accept that amendment.

The VICE-PRESIDENT. Without objection, the order to print will be enlarged to cover the suggestion of the Senator from Indiana.

Mr. BEVERIDGE. I understand that the request of the Senator from South Carolina leaves it in parallel columns.

Mr. TILLMAN. In parallel columns, except that the proposed changes in existing law shall be in italics.

Mr. BEVERIDGE. That is a good suggestion.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 4300) to amend section 4414 of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels. The message also announced that the House had agreed to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13103) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1907, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. BROWNLOW, and Mr. SULLIVAN of Massachusetts managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees; in which it requested the concurrence of the Senate.

BRIDGE ACROSS RAINY RIVER, MINNESOTA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4825) to provide for the construction of a bridge across Rainy River, in the State of Minnesota, which was to strike out all after the enacting clause and insert a substitute.

Mr. NELSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

SNAKE RIVER BRIDGE IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5181) to authorize the construction of a bridge across the Snake River between Whitman and Columbia counties, in the State of Washington, which were, on page 4, line 2, to strike out "two years" and insert "one year;" and in the same line to strike out "four years" and insert "three years."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

COLUMBIA RIVER BRIDGES IN WASHINGTON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5182) to authorize the construction of a bridge across the Columbia River between Franklin and Benton counties, in the State of Washington, which were, on page 4, line 5, to strike out "two years" and insert "one year;" and in the same line to strike out "four years" and insert "three years."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5183) to authorize the construction of a bridge across the Columbia River between Douglas and Kittitas counties, in the State of Washington, which were, on page 4, line 3, to strike out "two years" and insert "one year;" and on page 4, lines 3 and 4, to strike out "four years" and insert "three years."

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CONSIDERATION OF PENSION AND MILITARY RECORD BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the Calendar and also bills to correct military records.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none.

GAMBLING IN THE TERRITORIES.

Mr. BURNHAM. I desire to ask unanimous consent for the present consideration of a bill.

Mr. McCUMBER. I will not object if it requires no discussion and is a short bill.

Mr. BURNHAM. It is the bill (H. R. 10853) to prohibit gambling in the Territories.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

Mr. KEAN. I think the Senator from Ohio [Mr. FORAKER] is interested in the bill.

The VICE-PRESIDENT. The Senator from Ohio is present. Mr. McCUMBER. The bill will lead to debate. I expect to debate it myself. I know it will take some time, and I do not wish to yield for its consideration.

The VICE-PRESIDENT. Objection is made. The Pension Calendar is in order.

JAMES B. BOYD.

The bill (S. 4467) removing the charge of desertion from the military record of James B. Boyd was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion standing against the name of James B. Boyd, late of Battery I, Fourth United States Artillery, to amend his military record accordingly, and to grant to him an honorable discharge as of date November 23, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. DUNN.

The bill (S. 4360) granting an increase of pension to John P. Dunn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Dunn, late of Company H, Sixth Regiment United States Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO D. HUNTLEY.

The bill (S. 3306) granting an increase of pension to Lorenzo D. Huntley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to insert the letter "B;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lorenzo D. Huntley, late of Company B, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FANNIE E. MALONE.

The bill (S. 4279) granting an increase of pension to Fannie E. Malone was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Company," to strike out the letter "K" and insert "A;" in line 8, before the word "Volunteer," to insert "Provisional;" and in line 9, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie E. Malone, widow of John K. Malone, late captain Company A, Second Regiment New York Provisional Volunteer Cavalry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. DUGGER.

The bill (S. 1975) granting an increase of pension to Mary E. Dugger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "captain and;" and in line 8, before the word "and," to strike out "Volunteer Infantry" and insert "Volunteers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Dugger, widow of Jefferson Dugger, late captain and assistant adjutant-general, United States Volunteers, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL G. ROBERTS.

The bill (S. 4186) granting an increase of pension to Samuel G. Roberts was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 6, after the word "late," to strike out "of" and insert "second lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel G. Roberts, late second lieutenant Company G, Seventeenth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM SPROUSE.

The bill (S. 487) granting an increase of pension to William Sprouse was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Sprouse, late of Company C, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. MILLETT.

The bill (S. 2790) granting an increase of pension to William J. Millett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William J. Millett, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT G. HARRISON.

The bill (S. 3525) granting an increase of pension to Robert G. Harrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of Company B" and insert "assistant surgeon;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Robert G. Harrison, late assistant surgeon, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABSALOM WILCOX.

The bill (S. 4110) granting an increase of pension to Absalom Wilcox was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "and," to insert "and Company C, First Regiment Missouri Volunteer Engineers;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Absalom Wilcox, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company C, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATILDA E. NATTINGER.

The bill (S. 3985) granting an increase of pension to Matilda E. Nattinger was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Matilda E. Nattinger, widow of Edward A. Nattinger, late of Company C, Fourteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH E. YOCKEY.

The bill (S. 3984) granting an increase of pension to Sarah E. Yockey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Yockey, widow of Charles J. Yockey, late of Company B, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED B. CHILCOTE.

The bill (S. 4917) granting an increase of pension to Alfred B. Chilcote was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred B. Chilcote, late of Company G, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADELE JEANETTE HUGHES.

The bill (S. 4309) granting an increase of pension to Adele Jeanette Hughes was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adele Jeanette Hughes, late nurse, Medical Department, United States Volunteers, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAIAH M'DANIEL.

The bill (S. 4622) granting an increase of pension to Isaiah McDaniel was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Isaiah McDaniel, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN A. BROADWELL.

The bill (S. 4102) granting an increase of pension to John Broadwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Broadwell," to insert the letter "A.;" and in the same line, before the word "Regiment," to strike out "Fourth" and insert "First;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Broadwell, late of Battery D, First Regiment New Jersey Volunteer Light Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to as to read: "A bill granting an increase of pension to John A. Broadwell."

DAVID S. TRUMBO.

The bill (S. 3024) granting an increase of pension to David S. Trumbo was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company I" and insert "first lieutenant and quartermaster;" and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David S. Trumbo, late first lieutenant and quartermaster, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. CHAPMAN.

The bill (S. 4088) granting an increase of pension to Charles E. Chapman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Infantry" and insert "Cavalry;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Chapman, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES F. HACKNEY.

The bill (S. 4258) granting an increase of pension to James F. Hackney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of;" and in the same line, after the word "unassigned," to strike out "company;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James F. Hackney, late unassigned, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'CAUGHEN.

The bill (S. 1407) granting a pension to John McCaughn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "McCaughn" and insert "McCaughen;" in the same line, after the word "late," to strike out "of" and insert "unassigned;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject

to the provisions and limitations of the pension laws, the name of John McCaughen, late unassigned, Third Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John McCaughen."

JAMES DREURY.

The bill (S. 4432) granting an increase of pension to James Dreury was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name "Dreury" and insert "Dreury;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dreury, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to James Dreury."

SUSAN PENNINGTON.

The bill (S. 2832) granting a pension to Susan Pennington was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Susan Pennington, widow of John Pennington, late of Company A, Twenty-fourth Regiment, and captain Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Susan Pennington."

MOSES HILL.

The bill (S. 1406) granting an increase of pension to Moses Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses Hill, late of Company C, Ninth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL PENCE.

The bill (H. R. 14086) granting an increase of pension to Daniel Pence was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Pence, late of Company B, Seventy-eighth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY WINFREY.

The bill (H. R. 14098) granting a pension to Mary Winfrey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Winfrey, widow of Thomas J. Winfrey, late of Company H, Third Regiment Kentucky Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SHOEMAKER.

The bill (H. R. 13697) granting an increase of pension to William Shoemaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Shoemaker, late of Company F, Sixteenth Regiment

Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL SOUTHARD.

The bill (H. R. 12443) granting an increase of pension to Nathaniel Southard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel Southard, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. HIMES.

The bill (H. R. 14642) granting a pension to James P. Himes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James P. Himes, late of Company M, Third Regiment Kentucky Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SPARROW.

The bill (H. R. 15062) granting an increase of pension to Thomas Sparrow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Sparrow, late of Company K, Second Regiment United States Infantry, war with Spain, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUTH J. M'CANN.

The bill (H. R. 14834) granting an increase of pension to Ruth J. McCann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. BENNETT.

The bill (H. R. 13028) granting an increase of pension to Mary E. Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Bennett, widow of Augustus G. Bennett, late lieutenant-colonel Twenty-first Regiment United States Colored Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. VINCENT.

The bill (S. 3465) granting an increase of pension to John T. Vincent was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John T. Vincent, late of Company G, United States Voltigeurs, war with Mexico, and Company K, First Regiment Washington Territory Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS REED.

The bill (S. 3493) granting an increase of pension to Thomas Reed was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Reed, late captain Company H, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES G. POLK.

The bill (S. 5016) granting an increase of pension to Charles G. Polk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Third," to strike out "Regiment" and insert "and Thirty-fourth Regiments;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles G. Polk, late assistant surgeon Third and Thirty-fourth Regiments United States Colored Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESTINA M. GIFFORD.

The bill (S. 524) granting an increase of pension to Lestina M. Gifford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lestina M. Gifford, widow of Leander W. Gifford, late captain Company C, First Regiment Pennsylvania Rifles (Thirteenth Regiment Pennsylvania Reserves Volunteer Infantry), and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HANNAH E. WILMER.

The bill (S. 4548) granting an increase of pension to Elizabeth Wilmer, widow of Edwin Wilmer, and to the orphan children of said soldier was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hannah E. Wilmer, widow of Edwin Wilmer, late colonel Sixth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Hannah E. Wilmer."

HENRY WILHELM.

The bill (S. 3821) granting an increase of pension to Henry Wilhelm was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "second lieutenant Company F and;" and in line 9, before the word "dollars," to strike out "forty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Henry Wilhelm, late second lieutenant Company F and captain Company A, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. HAMAN.

The bill (S. 5121) granting an increase of pension to James H. Haman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Haman, late of Company E, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES D. HAVENS.

The bill (H. R. 12000) granting an increase of pension to James D. Havens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Havens, late of Company B, Thirty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. FIEDLER.

The bill (H. R. 12403) granting a pension to Lydia A. Fiedler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Fiedler, widow of Charles F. Fiedler, late of Company H, Twentieth Regiment New York Volunteer Infantry, and unassigned, One hundred and nineteenth Regiment New York Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. JEFFERIS.

The bill (H. R. 13584) granting an increase of pension to Anna M. Jefferis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Jefferis, widow of Carleton L. Jefferis, late of First Independent Battery, Delaware Volunteer Light Artillery, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA H. WAGNER.

The bill (H. R. 14669) granting an increase of pension to Anna H. Wagner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna H. Wagner, widow of Arthur L. Wagner, late colonel and military secretary, General Staff, United States Army, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES COYNER.

The bill (H. R. 14092) granting a pension to Frances Coyner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Coyner, widow of David H. Coyner, late chaplain Eighty-eighth Regiment Ohio Volunteer Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. NAGLE.

The bill (H. R. 14937) granting an increase of pension to William S. Nagle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William S. Nagle, late of Company B, First Regiment Pennsylvania Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA BROOKS.

The bill (H. R. 14287) granting an increase of pension to Martha Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha Brooks, widow of William H. Brooks, late of Troop H, Second Regiment United States Cavalry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYDIA A. KELLER.

The bill (H. R. 15941) granting a pension to Lydia A. Keller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lydia A. Keller, widow of William Keller, late ordnance sergeant, United States Army, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. COOK.

The bill (H. R. 15199) granting an increase of pension to John T. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Cook, late of Captain Coyugham's company, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO M. BARTLETT.

The bill (S. 2689) granting an increase of pension to Alonzo M. Bartlett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out "F, First" and insert "B, Thirtieth;" and in line 8, before the word "dollars," to strike out "twenty-four" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alonzo M. Bartlett, late of Company B, Thirtieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RODNEY W. TORREY.

The bill (S. 2094) granting an increase of pension to Rodney W. Torrey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rodney W. Torrey, late of Company K, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM JANDRO.

The bill (S. 4556) granting an increase of pension to William Jandro was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-two" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Jandro, late of Company G, First Regiment Massachusetts Volunteer Cavalry, and Company I, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAHAM S. BROWN.

The bill (S. 920) granting an increase of pension to Abraham S. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham S. Brown, late of Company C, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TRUMAN R. STINEHOUR.

The bill (S. 3812) granting an increase of pension to Truman R. Stinehour was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Truman R. Stinehour, late of Companies F and H, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES HANN.

The bill (H. R. 13610) granting an increase of pension to James Hann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hann, late of Company I, Twenty-first Regiment New Jersey Volunteer Infantry, and Company G, Sixth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. MERRILL.

The bill (H. R. 14639) granting an increase of pension to Sarah J. Merrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah J. Merrill, widow of George S. Merrill, late captain Company B, Fourth Regiment Massachusetts Militia Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB KELLER.

The bill (H. R. 10753) granting an increase of pension to Jacob Keller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Keller, late of Company K, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. BAKER.

The bill (H. R. 14112) granting an increase of pension to Andrew J. Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Baker, late of Company E, Fourth Regiment Ohio Volunteer Infantry, war with Mexico, and Company G, Seventeenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM F. BURKS.

The bill (H. R. 14748) granting an increase of pension to William F. Burks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William F. Burks, late of Company H, Fifth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL G. RAYMOND.

The bill (H. R. 12417) granting an increase of pension to Samuel G. Raymond was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel G. Raymond, late of Company L, Tenth Regiment New York Volunteer Cavalry, and Company H, Twelfth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT R. WILSON.

The bill (H. R. 13005) granting an increase of pension to Robert R. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert R. Wilson, late of Company E, Easton's battalion, Missouri Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORLANDO W. FRAZIER.

The bill (H. R. 14768) granting a pension to Orlando W. Frazier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orlando W. Frazier, helpless and dependent son of Orlando W. Frazier, late captain Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'CANN.

The bill (S. 4683) granting an increase of pension to William McCann was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William McCann, late of Company K, Seventeenth Regiment Pennsylvania Vol-

unteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES CRISMON.

The bill (S. 2733) granting an increase of pension to Charles Crismon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles Crismon, late of Captain Smith's company, Utah Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH B. BEAN.

The bill (S. 1248) granting a pension to Elizabeth B. Bean was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "Utah Indian war;" and in line 9, before the word "dollars," strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Bean, widow of George W. Bean, late of Capt. P. W. Conover's company of Utah Militia, Utah Indian war, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPHINE M. CAGE.

The bill (H. R. 14140) granting an increase of pension to Josephine M. Cage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine M. Cage, widow of William L. Cage, late of Company B, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. COX.

The bill (H. R. 14988) granting an increase of pension to James B. Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Cox, late of Captain Gillespie's company, Hay's Regiment, Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL R. DUMMER.

The bill (H. R. 14694) granting an increase of pension to Samuel R. Dummer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel R. Dummer, late of Company H, Tenth Regiment United States Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE D. SCUDDER.

The bill (H. R. 13712) granting an increase of pension to Caroline D. Scudder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline D. Scudder, widow of James L. Scudder, late first lieutenant Company K, First Regiment Tennessee Volunteers, war with Mexico, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK HILDENBRAND.

The bill (H. R. 13034) granting an increase of pension to Frederick Hildenbrand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Frederick Hildenbrand, late second lieutenant Company G, Thirty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM R. GUION.

The bill (H. R. 12584) granting an increase of pension to William R. Guion was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Guion, late of Captain Ramsey's company, First Regiment Ohio Volunteer Riflemen, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT C. PATE.

The bill (H. R. 13341) granting an increase of pension to Robert C. Pate was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert C. Pate, late captain Company C, Thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. CRAIG.

The bill (H. R. 12578) granting an increase of pension to John B. Craig was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Craig, late of Company H, Sixth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABIJAH CHAMBERLAIN.

The bill (S. 558) granting an increase of pension to Abijah Chamberlain was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abijah Chamberlain, late of the Seventeenth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN CLARK.

The bill (H. R. 11691) granting an increase of pension to John Clark was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Clark, late of Company K, Fourteenth Regiment United States Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS LOWRY.

The bill (H. R. 11690) granting an increase of pension to Lewis Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Lowry, late captain Company K, First Regiment Nebraska Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. SCOTT.

The bill (H. R. 14277) granting an increase of pension to George S. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Scott, late of Company M, Third Regiment, and Company C, Eleventh Regiment, Missouri Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMELIA NICHOLS.

The bill (H. R. 14277) granting an increase of pension to Amelia Nichols was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Amelia Nichols, widow of Franklin P. Nichols, late second lieutenant Company A, Seventh Regiment Michigan Volunteer Cavalry, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALIDA KING.

The bill (H. R. 13798) granting an increase of pension to Alida King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alida King, widow of Henry King, late of Company D, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Eugene T. King, helpless and dependent child of said Henry King, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Alida King the name of said Eugene T. King shall be placed on the pension roll at \$12 per month from and after the date of death of said Alida King.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM GAYNOR.

The bill (H. R. 13136) granting an increase of pension to William Gaynor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Gaynor, late of U. S. S. *Massachusetts*, United States Navy, and to pay him a pension of 24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM DAVIS.

The bill (H. R. 13148) granting an increase of pension to William Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Davis, late of Company K, Seventy-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST FRAHM.

The bill (H. R. 13587) granting an increase of pension to August Frahm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Frahm, late of Company D, Thirteenth Regiment Kansas Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN JACOBY.

The bill (H. R. 12455) granting an increase of pension to John Jacoby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Jacoby, late of Company G, One hundred and fifty-third Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH E. HULL.

The bill (S. 4972) granting an increase of pension to Sarah E. Hull was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the words "of the," to strike out "gunboat" and insert "United States steamers Signal and;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah E. Hull, widow of Melville F. Hull, late of the United States steamers Signal and Clara Dolson, United States Navy, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DORIS F. CLEGG.

The bill (S. 98) granting an increase of pension to Doris Florence Clegg was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Doris F. Clegg, former widow of Henry Whetsler, late of Company A, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$16 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Doris F. Clegg."

CHRISTOPHER C. HARLAN.

The bill (H. R. 13151) granting a pension to Christopher C. Harlan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Christopher C. Harlan, late of Company E, Second Regiment Mississippi Volunteer Infantry, war with Mexico, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Christopher C. Harlan."

HENRY PORTER.

The bill (H. R. 7331) granting an increase of pension to Henry Porter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Porter, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. MILES.

The bill (H. R. 14258) granting an increase of pension to John S. Miles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. Miles, late of Company H, Forty-second Regiment Missouri Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. FRANKLIN.

The bill (H. R. 12643) granting an increase of pension to William H. Franklin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Franklin, late captain Company I, Tenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY STIMON.

The bill (H. R. 12795) granting an increase of pension to Henry Stimon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Stimon, late of Company B, Twenty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. BOOKMAN.

The bill (H. R. 13417) granting an increase of pension to John W. Bookman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Bookman, late of Company K, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHRONIA LOFTON.

The bill (H. R. 14653) granting an increase of pension to Sophronia Lofton was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Sophronia Lofton, widow of Thomas Lofton, late of Company A, First Battalion Alabama Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK S. PETTINGILL.

The bill (H. R. 13826) granting an increase of pension to Frank S. Pettingill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frank S. Pettingill, late of Company B, One hundred and twenty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL O. GILMAN.

The bill (H. R. 14367) granting an increase of pension to Lemuel O. Gilman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lemuel O. Gilman, late captain Company B, and lieutenant-colonel, Fifteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD V. MILES.

The bill (H. R. 12541) granting an increase of pension to Edward V. Miles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward V. Miles, late of Company F, Second Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUMNER P. WYMAN.

The bill (H. R. 14369) granting an increase of pension to Sumner P. Wyman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sumner P. Wyman, late of Company B, First Regiment Massachusetts Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY PALMER.

The bill (H. R. 15870) granting a pension to Mary Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Palmer, widow of Stephen J. Palmer, late of Captain Morgan's independent company, Iowa Volunteers, war with Mexico, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS CLAUNCH.

The bill (H. R. 6946) granting an increase of pension to Elias Claunch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Claunch, late of Company A, Seventh Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA A. BUNKER.

The bill (H. R. 14888) granting an increase of pension to Eliza A. Bunker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Bunker, widow of Samuel Bunker, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John S. Bunker, helpless and dependent child of said Samuel Bunker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza A. Bunker the name of said John S. Bunker shall be placed on the pension roll at \$12 per month from and after the date of death of said Eliza A. Bunker.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS B. MOUSER.

The bill (H. R. 13959) granting an increase of pension to Thomas B. Mouser was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Thomas B. Mouser, late of Company D, Ninety-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN L. HIGGINS.

The bill (H. R. 14563) granting an increase of pension to Edwin L. Higgins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edwin L. Higgins, late second lieutenant Company K, Thirty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMER F. HERRIMAN, ALIAS GEORGE F. WILSON.

The bill (H. R. 13627) granting an increase of pension to Homer F. Herriman, alias George F. Wilson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Homer F. Herriman, alias George F. Wilson, late of Company G, Second Regiment Kansas Volunteer Cavalry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNA M. WILSON.

The bill (H. R. 13710) granting an increase of pension to Anna M. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anna M. Wilson, widow of Robert Wilson, late captain Company I, Eighth Regiment Illinois Volunteer Infantry, and captain Company L, and major, Fifth Regiment United States Colored Volunteer Heavy Artillery, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HARDY.

The bill (H. R. 12393) granting an increase of pension to William Hardy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Hardy, late of Company I, Fourth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS J. JAMES.

The bill (H. R. 21540) granting an increase of pension to Morris J. James was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris J. James, late of Company D, Third Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. LINDSEY.

The bill (H. R. 11129) granting an increase of pension to Thomas J. Lindsey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Lindsey, late of Company A, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JOSEPH GIRDLER.

The bill (H. R. 7585) granting an increase of pension to Joseph Girdler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. JASPER.

The bill (H. R. 6557) granting an increase of pension to Charles H. Jasper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Jasper, late of Company D, Forty-ninth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID A. KIRK.

The bill (H. R. 9617) granting an increase of pension to David A. Kirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David A. Kirk, late of Company H, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN HARTER.

The bill (H. R. 14089) granting an increase of pension to Martin Harter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Harter, late of Company G, Forty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HATFIELD.

The bill (H. R. 4809) granting an increase of pension to John W. Hatfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hatfield, late of Company K, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM M'KENZIE.

The bill (H. R. 9896) granting an increase of pension to William McKenzie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William McKenzie, late of Company G, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIAS JOHNSON.

The bill (H. R. 9905) granting an increase of pension to Elias Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elias Johnson, late of Company F, Third Regiment New York Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. VIVIAN.

The bill (H. R. 11638) granting an increase of pension to John N. Vivian was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Vivian, late of Company B, Fiftieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MARTIN.

The bill (H. R. 10594) granting an increase of pension to James Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Martin, late of Company B, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS H. FRASIER.

The bill (H. R. 12014) granting an increase of pension to Francis H. Frasier was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis H. Frasier, late of Company M, Fifth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATE F. GALBRAITH.

The bill (H. R. 13150) granting an increase of pension to Cate F. Galbraith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cate F. Galbraith, widow of Benjamin Galbraith, late second lieutenant Battery B, First Regiment New Jersey Volunteer Light Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM J. BOZARTH.

The bill (H. R. 13597) granting an increase of pension to Abram J. Bozarth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram J. Bozarth, late captain Company K, Twenty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL BLOOMER.

The bill (H. R. 12825) granting an increase of pension to Daniel Bloomer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Bloomer, late of Company H, Seventy-first Regiment, and Company F, One hundred and twentieth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA E. CHAMBERS.

The bill (H. R. 13505) granting an increase of pension to Martha E. Chambers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha E. Chambers, widow of Alexander Chambers, late of Company K, First Regiment Kentucky Foot Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. BUCHANAN.

The bill (H. R. 13502) granting an increase of pension to John N. Buchanan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Buchanan, late second lieutenant Company G, Fifty-fifth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M'MAHON.

The bill (H. R. 13988) granting an increase of pension to Mary McMahon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary McMahon, widow of Daniel McMahon, late captain Company D, Eightieth Regiment New York Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA L. NORWOOD.

The bill (H. R. 14538) granting an increase of pension to Eliza L. Norwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza L. Norwood, widow of William W. Norwood, late of Company I, Third Regiment United States Dragoons, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS S. MENEFFEE.

The bill (H. R. 14426) granting an increase of pension to Thomas S. Menefee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas S. Menefee, late of Company C, Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES GRIZZLE.

The bill (H. R. 14925) granting an increase of pension to James Grizzle was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James

Grizzle, late of Company D, Second Regiment Illinois Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT HENDERSON GRIFFIN.

The bill (H. R. 14425) granting an increase of pension to Robert Henderson Griffin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Henderson Griffin, late of Company A, First Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZERELDA N. M'COY.

The bill (S. 2745) granting an increase of pension to Zerelda N. McCoy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to strike out "of Company" and insert "assistant surgeon;" and in line 9, before the word "dollars," to strike out "thirty" and insert "seventeen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Zerelda N. McCoy, widow of James A. C. McCoy, late assistant surgeon Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$17 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH KAUFFMAN.

The bill (S. 4440) granting an increase of pension to Joseph Kauffman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Kauffman, late of Company F, One hundred and sixty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEHEMIAH M. BRUNDEGE.

The bill (S. 4785) granting an increase of pension to Nehemiah Brundage was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Nehemiah," to insert the letter "M;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nehemiah M. Brundage, late of Company B, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Nehemiah M. Brundage."

GEORGE W. COUGHANOUR.

The bill (S. 4786) granting an increase of pension to George W. Coughanour was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Coughanour, late of Company F, Fortieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. POSEY.

The bill (H. R. 14890) granting an increase of pension to James H. Posey was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of James H. Posey, late captain Company D, Sixteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA E. HERALD.

The bill (H. R. 14848) granting an increase of pension to Samantha E. Herald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha E. Herald, widow of William Herald, late of Company A, Anderson's battalion Mississippi Rifles, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN COOK.

The bill (H. R. 13761) granting an increase of pension to John Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Cook, late of Captain Irvin's company, North Carolina Volunteers, Cherokee Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA J. HENSLEY.

The bill (H. R. 13525) granting an increase of pension to Martha J. Hensley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha J. Hensley, widow of Silas B. Hensley, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving, and \$2 per month additional for each of the minor children of said soldier until they shall arrive at the age of 16 years: *Provided*, That in the event of the death of Wilson Hensley, helpless and dependent child of said Silas B. Hensley, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha J. Hensley the name of said Wilson Hensley shall be placed on the pension roll at \$12 per month from and after the date of death of said Martha J. Hensley.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORREN R. SMITH.

The bill (H. R. 13081) granting an increase of pension to Orren R. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orren R. Smith, late of Capt. G. E. B. Singeltary's company, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORDICAI B. BARBEE.

The bill (H. R. 13083) granting an increase of pension to Mordicai B. Barbee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mordicai B. Barbee, late of Company D, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH WEBB.

The bill (H. R. 13230) granting an increase of pension to Elizabeth Webb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth Webb, widow of Bennett Webb, late of Company A, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GATSEY MATTUCKS.

The bill (H. R. 13231) granting an increase of pension to Gatsey Mattucks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gatsey Mattucks, widow of William R. Mattucks, late of Company E, First Regiment North Carolina Volunteers, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLARD V. SHEPHERD.

The bill (H. R. 13527) granting a pension to Willard V. Shepherd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Willard V. Shepherd, late of Battery C, Fifth Regiment United States Artillery, and to pay him a pension of \$6 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODOR SCHRAMM.

The bill (H. R. 12834) granting an increase of pension to Theodor Schramm was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodor Schramm, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERBERT WILLIAMS.

The bill (H. R. 13082) granting an increase of pension to Herbert Williams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Herbert Williams, late unassigned recruit, Twelfth Regiment United States Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS M'DONALD.

The bill (S. 4650) granting an increase of pension to Thomas McDonald was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the words "United States Navy," to strike out "the ship America" and insert "United States ships America and Macedonian;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas McDonald, late of United States ships America and Macedonian, United States Navy, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIA LEUCKART.

The bill (S. 2378) granting an increase of pension to Maria Leuckart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria Leuckart, widow of Sigismund Leuckart, late pharmacist, United States Navy, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH AGNES EARL.

The bill (S. 4826) granting a pension to Agnes B. Earl was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Sarah Agnes Earl, widow of Wesley Clark Earl, late acting assistant surgeon, United States Army, and pay her a pension at the rate of \$8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Sarah Agnes Earl."

FANNIE P. NORTON.

The bill (S. 4675) granting an increase of pension to Fannie Parker Norton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the name "Fannie," to strike

out "Parker" and insert the letter "P.;" and in line 9, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Fannie P. Norton, widow of Charles B. Norton, late lieutenant-colonel and quartermaster, United States Volunteers, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Fannie P. Norton."

ELIZABETH A. VOSE.

The bill (S. 4315) granting an increase of pension to Elizabeth A. Vose was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "Regiment," to strike out "First" and insert "Second;" and in line 9, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Vose, widow of Marcus A. Vose, late first lieutenant Company M, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HORACE D. MANN.

The bill (H. R. 5485) granting a pension to Horace D. Mann was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace D. Mann, late of Company M, Third Regiment United States Volunteer Infantry, war with Spain, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM W. HOWELL.

The bill (H. R. 14793) granting an increase of pension to William W. Howell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William W. Howell, late of Company B, First Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMOS HART.

The bill (H. R. 14389) granting an increase of pension to Amos Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Amos Hart, late of Company F, Fifth Regiment United States Colored Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVIN D. HOPPER.

The bill (H. R. 13872) granting an increase of pension to Alvin D. Hopper was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alvin D. Hopper, late of Company H, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUGH G. WILSON.

The bill (H. R. 13891) granting an increase of pension to Hugh G. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh G. Wilson, late of Company A, Gray's battalion, Arkansas Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA RAMSEY.

The bill (H. R. 13038) granting an increase of pension to Rebecca Ramsey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rebecca

Ramsey, widow of Thomas J. Ramsey, late of Company B, Crowson's Battalion Mississippi Volunteer Riflemen, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM STRASBURG.

The bill (H. R. 13238) granting an increase of pension to William Strasburg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Strasburg, late of Company F, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WILKINSON.

The bill (H. R. 13311) granting an increase of pension to John Wilkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wilkinson, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M'KEE.

The bill (H. R. 13310) granting an increase of pension to James McKee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James McKee, late of Company E, Palmetto Regiment South Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EADA LOWRY.

The bill (H. R. 13138) granting an increase of pension to Eada Lowry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eada Lowry, widow of William T. Lowry, late of Company D, Calhoun's mounted battalion, Georgia Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM RALSTON.

The bill (H. R. 12760) granting an increase of pension to William Ralston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Ralston, late of Company D, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company B, First Regiment Missouri Volunteer Engineers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRICK RUTHERFORD.

The bill (S. 4247) granting an increase of pension to Carrick Rutherford was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrick Rutherford, late second lieutenant Company F, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUGH GREEN.

The bill (H. R. 5434) granting an increase of pension to Hugh Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Green, late of Troop C, Fourth Regiment United States Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EVA L. MARTIN.

The bill (H. R. 3806) granting a pension to Eva L. Martin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eva L. Martin, widow of Solomon P. Martin, late of Company A, Second Regiment Arkansas Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL M. COFFMAN.

The bill (H. R. 11990) granting an increase of pension to Daniel M. Coffman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel M. Coffman, late of Company L, Seventh Regiment Ohio Volunteer Cavalry, and lieutenant-colonel Third Regiment Tennessee Volunteer Infantry, war with Spain, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. ROBINSON.

The bill (H. R. 9705) granting a pension to George W. Robinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Robinson, late of Company E, Thirty-third Regiment United States Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RHODA KENNEDY.

The bill (H. R. 15449) granting a pension to Rhoda Kennedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rhoda Kennedy, dependent mother of Charles Kennedy, late of Company M, First Regiment United States Colored Volunteer Heavy Artillery, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE SUMMERS.

The bill (H. R. 14078) granting an increase of pension to Catherine Summers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Summers, widow of Nathaniel Summers, late of Company K, Ninth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nathaniel Summers, helpless and dependent child of said Nathaniel Summers, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catherine Summers the name of said Nathaniel Summers shall be placed on the pension roll at \$12 per month from and after the date of death of said Catherine Summers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE ROGERS.

The bill (H. R. 8891) granting an increase of pension to Josephine Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to insert "war with Mexico;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Rogers, widow of Robert C. Rogers, late passed midshipman, United States Navy, war with Mexico, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES V. POPE.

The bill (S. 2287) granting an increase of pension to James V. Pope was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James V. Pope, late of Company G, Ninety-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. BOYLES.

The bill (S. 2549) granting an increase of pension to George W. Boyles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Boyles, late of Company K, One hundredth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RAY E. KLINE.

The bill (H. R. 7839) granting a pension to Ray E. Kline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ray E. Kline, widow of Daniel L. Kline, late of Brigade Band First Brigade, First Division Sixteenth Army Corps, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. HONEYWELL.

The bill (H. R. 8333) granting an increase of pension to John G. Honeywell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Honeywell, late of Company E, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM WINN.

The bill (H. R. 9087) granting an increase of pension to William Winn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Winn, late of Company I, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WINNIE C. PITTENGER.

The bill (H. R. 5933) granting an increase of pension to Winnie C. Pittenger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Winnie C. Pittenger, widow of William Pittenger, late of Company G, Second Regiment Ohio Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NORMAN C. POTTER.

The bill (H. R. 7856) granting an increase of pension to Norman C. Potter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Norman C. Potter, late of Twelfth Battery, Ohio Volunteer Light Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM H. MILLER.

The bill (H. R. 9808) granting an increase of pension to Abraham H. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham H. Miller, late of Company I, Fiftieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEETA H. MARQUIS.

The bill (H. R. 9904) granting an increase of pension to Neeta H. Marquis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Neeta H. Marquis, widow of John F. Marquis, late first lieutenant Company K, Second Regiment Illinois Volunteer Light Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC BAKER.

The bill (H. R. 11214) granting a pension to Isaac Baker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Baker, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS GRIFFITH.

The bill (H. R. 11209) granting an increase of pension to Thomas Griffith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Griffith, late of Company H, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH E. ATKINSON.

The bill (H. R. 11905) granting an increase of pension to Elizabeth E. Atkinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth E. Atkinson, widow of Edwin E. Atkinson, late surgeon, Second Regiment Eastern Shore Maryland Volunteer Infantry, and to pay her a pension of \$17 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT B. MALONE.

The bill (H. R. 12897) granting an increase of pension to Robert B. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert B. Malone, late of Company L, Second Regiment East Tennessee Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBROSE R. FISHER.

The bill (H. R. 14646) granting an increase of pension to Ambrose R. Fisher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ambrose R. Fisher, late of Company H, Third Regiment Kentucky Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CHESEBRO.

The bill (H. R. 14077) granting an increase of pension to George W. Chesebro was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Chesebro, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SANDERS.

The bill (H. R. 14076) granting an increase of pension to William Sanders was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Sanders, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS A. BARKIS.

The bill (H. R. 13994) granting an increase of pension to Francis A. Barkis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis A. Barkis, late of Company C, Third Regiment Indiana Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIENNA WARD.

The bill (H. R. 8339) granting a pension to Vienna Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Vienna Ward, widow of John Ward, late of Company I, First Regiment Illinois Volunteer Light Artillery, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB FRANZ.

The bill (S. 4797) granting an increase of pension to Jacob Franz was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "and Company H, Fifteenth Regiment Veteran Reserve Corps;" and in line 9, before the word "dollars," to strike out fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Franz, late of Company H, Forty-seventh Regiment Ohio Volunteer Infantry, and Company H, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED WOODIN.

The bill (S. 230) granting an increase of pension to Alfred A. Woodin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Woodin," to strike out the letter "A.;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty-six;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Woodin, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Alfred Woodin."

EDMUND MORGAN.

The bill (S. 1398) granting an increase of pension to Edmund Morgan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edmund Morgan, late acting master, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES FLYNN.

The bill (S. 450) granting an increase of pension to James Flynn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Volunteer," to strike out "Missouri" and insert "Wisconsin;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Flynn, late of Company D, Seventeenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROLLIN T. WALLER.

The bill (S. 3843) granting an increase of pension to Rollin T. Waller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars" to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Rollin

T. Waller, late of Company G, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADAM WERNER.

The bill (S. 1376) granting an increase of pension to Adam Werner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Adam Werner, late first lieutenant Captain Knapp's company (A), Seventh Regiment Indiana Legion, and pay him a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN R. BROWN.

The bill (S. 1377) granting an increase of pension to John R. Brown was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "and," to strike out "Volunteers" and insert "Volunteer Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John R. Brown, late of Company B, Twentieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS A. AGUR.

The bill (S. 674) granting an increase of pension to Thomas A. Agur was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas A. Agur, late of Company I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ALBERT.

The bill (S. 2795) granting an increase of pension to John Albert was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Albert, late of Company A, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. ASHELMAN.

The bill (S. 3298) granting an increase of pension to John B. Ashelman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "Artillery," to strike out "Heavy" and insert "Light;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. Ashelman, late of Independent Battery A, Pennsylvania Volunteer Light

Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES M. BENSON.

The bill (S. 1953) granting an increase of pension to Charles M. Benson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Benson, late of Company G, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON COOK.

The bill (S. 1162) granting an increase of pension to Nelson Cook was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Nelson Cook, late of Company I, Eleventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. REYNOLDS.

The bill (S. 657) granting an increase of pension to Mary J. Reynolds was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary J. Reynolds, widow of Robert L. Reynolds, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JULIA BALDWIN.

The bill (S. 1962) granting an increase of pension to Julia Baldwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the words "late of," to strike out "Company" and insert "Companies E and C;" and in line 9, before the word "dollars," to strike out "seventeen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Julia Baldwin, widow of Edwin Baldwin, late of Companies E and C, Sixtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$12 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOTHAM T. MOULTON.

The bill (S. 2050) granting an increase of pension to J. Tilden Moulton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and

limitations of the pension laws, the name of Jotham T. Moulton, late of Company I, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Jotham T. Moulton."

MARIE J. SPICELY.

The bill (S. 2670) granting an increase of pension to Marie J. Spicely was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marie J. Spicely, widow of William T. Spicely, late colonel Twenty-fourth Regiment Indiana Volunteer Infantry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES D. BROWN.

The bill (S. 3598) granting an increase of pension to Charles D. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles D. Brown, late of Company K, Eighth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ROBERT M'CALVY.

The bill (S. 3834) granting an increase of pension to Robert McCalvy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert McCalvy, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NEWTON G. COOK.

The bill (S. 5323) granting an increase of pension to Newton G. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Newton G. Cook, late of Companies I and G, Fifteenth Regiment New York Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE ACKLEY.

The bill (H. R. 12656) granting a pension to Louise Ackley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louise Ackley, widow of Henry B. Ackley, late of Company G, Thirty-sixth Regiment Pennsylvania Emergency Militia Infantry, and to pay her a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAUD O. WORTH.

The bill (H. R. 6147) granting a pension to Maud O. Worth was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maud O. Worth, widow of John M. Worth, late second-class fireman, U. S. S. *Baltimore*, United States Navy, and to pay her a pension of \$12 per month, and \$2 per month additional on account of each of the minor children of said John M. Worth until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. FONNER, ALIAS JOHN HAVENS.

The bill (H. R. 11873) granting an increase of pension to Joseph B. Fonner, alias John Havens, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph B. Fonner, alias John Havens, late of Company L, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILO G. GIBSON.

The bill (H. R. 3197) granting an increase of pension to Milo G. Gibson was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Milo G. Gibson, late of Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS CARDER.

The bill (H. R. 3007) granting an increase of pension to Thomas Carder was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Carder, late of Company G, Second Regiment West Virginia Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRMAN F. KIRK.

The bill (H. R. 7515) granting an increase of pension to Firman F. Kirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Firman F. Kirk, late of Company C, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and Company C, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. MILLER.

The bill (H. R. 7681) granting an increase of pension to James M. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Miller, late of Company B, Twenty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN J. KECK.

The bill (H. R. 7738) granting an increase of pension to Franklin J. Keck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin J. Keck, late of Company G, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANKLIN G. MATTERN.

The bill (H. R. 8578) granting an increase of pension to Franklin G. Mattern was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Franklin G. Mattern, late of Company D, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FARRIE M. ALLIS.

The bill (H. R. 9093) granting an increase of pension to Farrie M. Allis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Farrie M. Allis, widow of Jerrie P. Allis, late first lieutenant Companies G and F, One hundred and fourteenth Regiment New York Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDMUND CHAPMAN.

The bill (H. R. 10326) granting an increase of pension to Edmund Chapman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edmund Chapman, late of Company A, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MOULES.

The bill (H. R. 10404) granting an increase of pension to John Moules was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Moules, late of Company F, Fifteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. WARD.

The bill (H. R. 10622) granting an increase of pension to James H. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Ward, late of Company H, First Regiment Potomac Home Brigade Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARRIE A. CONLEY.

The bill (H. R. 9924) granting an increase of pension to Carrie A. Conley was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie A. Conley, widow of Isaiah Conley, late captain Company G, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHARLES H. NILES.

The bill (S. 2772) granting an increase of pension to Charles H. Niles was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles H. Niles, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN W. SCOTT.

The bill (S. 835) granting an increase of pension to John W. Scott was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John W. Scott, late of Company B, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN B. M'CRILLIS.

The bill (S. 4557) granting an increase of pension to John B. McCrillis was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "B" and insert "E;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John B. McCrillis, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OCTAVE COUNTER.

The bill (S. 4834) granting an increase of pension to Octave Counter was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Octave Counter, late of U. S. ships North Carolina, Minnesota, and Cohasset, United States Navy, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL SCANNELL.

The bill (S. 1352) granting an increase of pension to Michael Scannell was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty-six," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Michael Scannell, late of Company A, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of \$36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES MOSS.

The bill (S. 1165) granting an increase of pension to James Moss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Moss, late of Company G, United States Mounted Rifles, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN HARRIMAN.

The bill (H. R. 2202) granting a pension to Ellen Harriman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen Harriman, widow of Dustin R. Harriman, alias Edward Harriman, late quartermaster, United States Navy, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. DECKER.

The bill (H. R. 14761) granting an increase of pension to John L. Decker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Decker, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. FIFIELD.

The bill (H. R. 2780) granting an increase of pension to Mary E. Fifield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Fifield, widow of Henry L. Fifield, late of Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. BENSON.

The bill (H. R. 2765) granting an increase of pension to Andrew J. Benson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Benson, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANNAH A. SAWYER.

The bill (H. R. 2195) granting an increase of pension to Hannah A. Sawyer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hannah A. Sawyer, widow of Horace A. Sawyer, late of Company H, First Regiment Massachusetts Volunteer Infantry, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUMNER F. HUNNEWELL.

The bill (H. R. 533) granting an increase of pension to Sumner F. Hunnewell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sumner F. Hunnewell, late of Company I, Twenty-fifth Regiment Maine Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. WHEELER.

The bill (H. R. 1655) granting an increase of pension to Henry A. Wheeler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry A. Wheeler, late of Company I, Twelfth Regiment Vermont Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDSON J. HARRISON.

The bill (H. R. 3484) granting an increase of pension to Edson J. Harrison was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edson J. Harrison, late of Company B, Thirty-fourth Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. GILDERSLEEVE.

The bill (H. R. 2934) granting an increase of pension to William H. Gildersleeve was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Gildersleeve, late captain Company E, Seventh Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. LINCOLN.

The bill (H. R. 6775) granting an increase of pension to William A. Lincoln was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Lincoln, late first lieutenant Company D, and captain Company F, First Regiment Connecticut Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID DAVIS.

The bill (H. R. 6142) granting an increase of pension to David Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Davis, late of Company C, Thirteenth Regiment Maine Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. LOUISA S. McWHINNIE.

The bill (H. R. 4261) granting a pension to A. Louisa S. McWhinnie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of A. Louisa S. McWhinnie, widow of James McWhinnie, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. CONLEY.

The bill (H. R. 1913) granting an increase of pension to Charles H. Conley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Conley, late of Company B, Twenty-eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE F. WAINWRIGHT.

The bill (H. R. 1322) granting an increase of pension to Katherine F. Wainwright was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine F. Wainwright, widow of George A. Wainwright, late first lieutenant Company A and major First Regiment New

Hampshire Volunteer Heavy Artillery, and to pay her a pension of \$25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS F. UNDERWOOD.

The bill (H. R. 3281) granting an increase of pension to Thomas F. Underwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas F. Underwood, late of Company D and second lieutenant Company L, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY SANBORN.

The bill (H. R. 3344) granting an increase of pension to Henry Sanborn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Sanborn, late of Company F, Second Regiment United States Volunteer Sharpshooters, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES B. DAVIS.

The bill (H. R. 8725) granting an increase of pension to Moses B. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses B. Davis, late of Company E, Fifteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH J. VINCENT.

The bill (H. R. 10252) granting an increase of pension to Joseph J. Vincent was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph J. Vincent, late hospital steward, Twelfth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWIN R. HARDY.

The bill (S. 914) granting an increase of pension to Edwin R. Hardy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "Company," to strike out the letter "A" and insert "H;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edwin R. Hardy, late of Company H, Sixteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED BEHAM.

The bill (S. 4986) granting an increase of pension to Alfred Beham was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the word "and," to strike out "Infantry" and insert "Heavy Artillery;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alfred Beham, late of Company A, Seventh Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRIETT B. SUMMERS.

The bill (S. 3303) granting an increase of pension to Harriett Summers was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Harriett B. Summers, imbecile and dependent daughter of William H. Summers, late of Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to Harriett B. Summers."

FREDERIC W. SWIFT.

The bill (S. 1884) granting an increase of pension to Frederick W. Swift was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments. The first amendment was, in line 6, after the word "of," to strike out the name "Frederick" and insert "Frederic."

The amendment was agreed to.

The next amendment was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to read:

And pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. McCUMBER. In line 8 I move to insert "six" after the word "thirty;" so as to read "\$36 per month," instead of "\$30 per month."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Frederic W. Swift."

CHARLES HULL.

The bill (H. R. 2396) granting an increase of pension to Charles Hull was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Hull, late of Company G, Fourteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORRIS B. DRAKE.

The bill (H. R. 1468) granting an increase of pension to Morris B. Drake was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Morris B. Drake, late of Company K, Twenty-third Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. NORTRIP.

The bill (H. R. 552) granting an increase of pension to William H. Nortrip was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Nortrip, late of Company I, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DECATUR HARMON.

The bill (H. R. 2640) granting an increase of pension to Decatur Harmon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Decatur Harmon, late of Company K, Eighty-first Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARSHALL U. GAGE.

The bill (H. R. 4717) granting an increase of pension to Marshall U. Gage was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marshall U. Gage, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN DEARDOURFF.

The bill (H. R. 4766) granting an increase of pension to John Deardourff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Deardourff, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW LA FORGE.

The bill (H. R. 8565) granting an increase of pension to Andrew La Forge was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew La Forge, late of Company B and captain Company I, Fifteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM LONG.

The bill (H. R. 8665) granting an increase of pension to Hiram Long was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram Long, late of Company A, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE SILER.

The bill (H. R. 9839) granting an increase of pension to Jesse Siler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jesse Siler, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN SHOOK.

The bill (H. R. 10019) granting an increase of pension to Jonathan Shook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan Shook, late of Company C, Seventh Regiment, and Company A, Fifteenth Regiment, Michigan Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS A. WEST.

The bill (H. R. 10490) granting an increase of pension to Lucius A. West was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius A. West, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. GODWIN.

The bill (S. 518) granting an increase of pension to William T. Godwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "seventy-two" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William T. Godwin, late first lieutenant Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LORENZO D. MASON.

The bill (H. R. 12880) granting an increase of pension to Lorenzo D. Mason was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo D. Mason, late of Company M, Second Regiment New Jersey Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

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JOSEPHINE HOORNBECK.

The bill (H. R. 11509) granting an increase of pension to Josephine Hoornbeck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine Hoornbeck, widow of Robert Hoornbeck, late of Company K, Fifty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY SMITH.

The bill (H. R. 15276) granting an increase of pension to Wesley Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley Smith, late of Company D, First Regiment Kentucky Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HANNAH.

The bill (H. R. 6888) granting an increase of pension to John W. Hannah was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Hannah, late of Company E, Sixteenth Regiment, and captain Company A, One hundred and twenty-fourth Regiment, Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS HOWARD.

The bill (H. R. 5252) granting an increase of pension to Thomas Howard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Howard, late of Company A, Second Regiment Indiana Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAM W. DAVENPORT.

The bill (H. R. 6110) granting an increase of pension to Abram W. Davenport was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abram W. Davenport, late of Company H, Tenth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN K. MILLER.

The bill (H. R. 8062) granting an increase of pension to John K. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John K. Miller, late of Company H, Fifth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. PITCHFORD.

The bill (H. R. 7951) granting an increase of pension to William H. Pitchford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Pitchford, late of Company H, Twelfth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOTTOL LARSEN.

The bill (H. R. 8042) granting an increase of pension to Bottol Larsen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Bottol Larsen, late of Company D, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR R. DREPPARD.

The bill (H. R. 10900) granting an increase of pension to Arthur R. Dreppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arthur R. Dreppard, late of Company M, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and to pay him a pension of \$18 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY GILHAM.

The bill (H. R. 14655) granting an increase of pension to Henry Gilham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Gilham, late of Company H, Second Regiment Indiana Volunteer Infantry, war with Mexico, and Company E, Fifty-first Regiment Indiana Volunteer Infantry, and captain Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS E. MYERS.

The bill (H. R. 10879) granting an increase of pension to Thomas E. Myers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas E. Myers, late of Company I, Second Regiment Kentucky Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS R. SIMONS.

The bill (H. R. 3233) granting an increase of pension to Lucius R. Simons was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucius R. Simons, late of Company L, Tenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTUS JOYEUX.

The bill (H. R. 6465) granting an increase of pension to Augustus Joyeux was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augustus Joyeux, late of Company E, Seventh Regiment Rhode Island Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY O. ARNOLD.

The bill (H. R. 7225) granting an increase of pension to Mary O. Arnold was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary O. Arnold, widow of Marion Arnold, late of Company H, First Regiment Ohio Volunteer Light Artillery, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. HENDERSON.

The bill (H. R. 7609) granting an increase of pension to Charles W. Henderson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles W. Henderson, late first lieutenant Company H, Fifteenth Regiment New York Volunteer Engineers, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHANNA WALGWIST.

The bill (H. R. 7806) granting an increase of pension to Johanna Walgwist was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Johanna Walgwist, widow of John S. Walgwist, alias Jonas Walgwist, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and to pay her a pension of \$24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna C. Walgwist, helpless and dependent daughter of said John S. Walgwist, alias Jonas Walgwist, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Johanna Walgwist the name of Anna C. Walgwist shall be placed on the pension roll at \$12 per month from and after the date of the death of said Johanna Walgwist.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. LEWIS.

The bill (H. R. 4946) granting an increase of pension to William H. Lewis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H.

Lewis, late of Company E, Thirteenth Regiment New York Volunteer Infantry, and to pay him a pension of \$36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA GRABILL.

The bill (H. R. 8328) granting an increase of pension to Ira Grabill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira Grabill, late of Company F, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. JONES.

The bill (H. R. 9053) granting an increase of pension to John M. Jones was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Jones, late of Company I, Twentieth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHAN PARISH.

The bill (H. R. 9126) granting an increase of pension to Nathan Parish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathan Parish, late of Company K, Seventy-sixth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES I. MITTLER.

The bill (S. 5074) granting an increase of pension to James I. Mittler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James I. Mittler, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PETER SLOGGY.

The bill (S. 5324) granting an increase of pension to Peter Sloggy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Sloggy, late captain Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HORACE A. GREGORY.

The bill (S. 5244) granting an increase of pension to Horace A. Gregory was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace A. Gregory, late of Company B, Seventh Regiment, and Company E, Forty-seventh Regiment, Iowa Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMILIE SCHELDT.

The bill (H. R. 6058) granting an increase of pension to Emilie Scheldt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emilie Scheldt, widow of Julius Scheldt, late second lieutenant Company E, Thirty-seventh Regiment Ohio Volunteer Infantry, and to pay her a pension of \$15 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH RUPERT.

The bill (H. R. 2267) granting an increase of pension to Joseph Rupert was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Joseph Rupert, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL GREENLEE.

The bill (H. R. 3978) granting an increase of pension to Samuel Greenlee was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Greenlee, late of Company A, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and Company I, Sixth Regiment Veteran Reserve Corps, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN CALLAHAN.

The bill (H. R. 4209) granting an increase of pension to Martin Callahan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Callahan, late captain Company F, Ninth Regiment Maryland Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN V. CANNEDY.

The bill (H. R. 8315) granting an increase of pension to Martin V. Cannedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin V. Cannedy, late of Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CARNE C. WELCH.

The bill (H. R. 8206) granting an increase of pension to Carner C. Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Carner C. Welch, late of Company D, Seventy-fourth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. FRIEND.

The bill (H. R. 1027) granting an increase of pension to Charles H. Friend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Friend, late of Company F, Second Regiment Minnesota Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALPHENIS M. BEALL.

The bill (H. R. 10562) granting an increase of pension to Alphenis M. Beall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alphenis M. Beall, late of Captain Snell's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. CHAMBERS.

The bill (H. R. 10785) granting a pension to Thomas J. Chambers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian war, and to pay him a pension of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. HOUSTON.

The bill (S. 3819) granting an increase of pension to William H. Houston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "and," to insert "Seminole Indian war;" and in the same line, before the word "dollars," to strike out "twenty" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Wil-

liam H. Houston, late of Captain Hart's independent company, Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES H. GARDNER.

The bill (S. 3112) granting an increase of pension to James H. Gardner was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James H. Gardner, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian war, and pay him a pension at the rate of \$16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. TRICE.

The bill (S. 1733) granting an increase of pension to George W. Trice was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "war," to strike out "Army" and insert "Infantry;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George W. Trice, late of Company B, Fourth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARETT CARROLL.

The bill (H. R. 5486) granting a pension to Margaret Carroll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Carroll, widow of Henry L. Carroll, late first lieutenant Company B, First Battalion Georgia Volunteer Infantry, and to pay her a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. SEAL.

The bill (H. R. 15249) granting an increase of pension to Isaac N. Seal was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Seal, late of Company F, Fifty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DORA A. WEATHERSBY.

The bill (H. R. 3541) granting a pension to Dora A. Weathersby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Dora A. Weathersby, widow of Howard L. Weathersby, late musician, First Regiment Mississippi Volunteer Infantry, war with Spain, and to pay her a pension of \$12 per month, and \$2 per month additional on account of each of the minor children of said Howard L. Weathersby until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BLAIR.

The bill (H. R. 6407) granting an increase of pension to William Blair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Blair, late of Company D, Eighth Regiment New Jersey Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM SMITH.

The bill (H. R. 8316) granting an increase of pension to William Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William

Smith, late of Company I, One hundred and sixty-second Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET BECKER.

The bill (H. R. 8930) granting an increase of pension to Margaret Becker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Becker, widow of John P. Becker, late captain Company K, Second Regiment Louisiana Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCIS W. PRESTON.

The bill (H. R. 9406) granting an increase of pension to Francis W. Preston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Francis W. Preston, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. HUNTER.

The bill (S. 5079) granting an increase of pension to Andrew J. Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WALTER LYNN.

The bill (S. 3182) granting an increase of pension to Walter Lynn was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Walter Lynn, late of Company D, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. PRENTISS.

The bill (S. 5287) granting an increase of pension to John M. Prentiss was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Prentiss, late of Company K, Fourteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HELEN H. HULBERT.

The bill (H. R. 2341) granting an increase of pension to Helen H. Hulbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen H. Hulbert, widow of William L. Hulbert, late captain Company G, One hundred and seventeenth Regiment New York Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. HILL.

The bill (H. R. 3660) granting an increase of pension to James H. Hill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Hill, late of Company E, Second Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN G. DAVIS.

The bill (H. R. 5725) granting an increase of pension to John G. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Davis, late of Company C, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATE E. COBB.

The bill (H. R. 5726) granting an increase of pension to Cate E. Cobb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cate E. Cobb, widow of Gaston D. Cobb, late surgeon First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay her a pension of \$12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE E. PETERS.

The bill (H. R. 7823) granting an increase of pension to Annie E. Peters was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie E. Peters, widow of John A. Peters, late of U. S. S. *North Carolina*, *Potomac*, and *Metacomb*, United States Navy, and to pay her a pension of \$16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUST BAUER.

The bill (H. R. 10816) granting an increase of pension to August Bauer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of August Bauer, late of Company F, One hundred and fortieth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. BOYD.

The bill (H. R. 10907) granting an increase of pension to John N. Boyd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Boyd, late of Company K, Seventh Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES RATTRAY.

The bill (H. R. 14878) granting an increase of pension to Charles Rattray was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Rattray, late major Fifty-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of \$25 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID MOREHART.

The bill (S. 3996) granting an increase of pension to David Morehart was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David Morehart, late of Company H, Thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMILIE GRACE REICH.

The bill (S. 1308) granting an increase of pension to Emilie Wood Reich was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emilie Grace Reich, widow of Henry F. Reich, late lieutenant, United States Navy, and pay her a pension at the rate of \$25 per month in lieu of that she is now receiving, and \$2 per month additional on account of the minor child of the said Henry F. Reich until she reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emilie Grace Reich."

WILLIAM R. DUNCAN.

The bill (H. R. 1897) granting an increase of pension to William R. Duncan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William R. Duncan, late of Company G, Third Regiment Tennessee Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH F. GALBRAITH.

The bill (H. R. 10293) granting an increase of pension to Sarah F. Galbraith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah F. Galbraith, widow of Robert Galbraith, late lieutenant-colonel Fifth Regiment Tennessee Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC N. PERRY.

The bill (H. R. 14113) granting an increase of pension to Isaac N. Perry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac N. Perry, late of Company E, First Regiment North Carolina Volunteer Infantry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATHANIEL H. ROME.

The bill (H. R. 14840) granting an increase of pension to Nathaniel H. Rome was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nathaniel H. Rome, late of Company I, Sixth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. GIPSON.

The bill (S. 2952) granting an increase of pension to William A. Gipson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Gipson, late of Company K, Fifteenth Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RUFUS G. CHILDRESS.

The bill (H. R. 2697) granting an increase of pension to Rufus G. Childress was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Rufus G. Childress, late of Capt. J. S. Boggess's company, Mounted Battalion Texas Volunteers, Texas and New Mexico Indian war, and to pay him a pension of \$16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS WOLCOTT.

The bill (H. R. 4352) granting an increase of pension to Thomas Wolcott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Wolcott, late of Company D, Sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN Q. WARD.

The bill (H. R. 8530) granting an increase of pension to Benjamin Q. Ward was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin Q. Ward, late of Company A, Light Artillery, Santa Fe Battalion Missouri Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. SHORT.

The bill (H. R. 4593) granting a pension to William C. Short was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Short, late of Captain Long's company, First Regiment Texas Mounted Volun-

teers, war with Mexico, and to pay him a pension of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. BARRY.

The bill (H. R. 4598) granting an increase of pension to James B. Barry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James B. Barry, late of Company K, First Regiment Texas Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. MALONE.

The bill (H. R. 10396) granting an increase of pension to John A. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Malone, late of Company I, Twenty-second Regiment Illinois Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE M. FRAZER.

The bill (H. R. 10448) granting an increase of pension to George M. Frazer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George M. Frazer, late of Captain Baylor's company, Lane's battalion Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILAS H. BALLARD.

The bill (H. R. 10450) granting an increase of pension to Silas H. Ballard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Silas H. Ballard, late of Captain Curtis's Company, Raiford's Battalion, Alabama Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID F. CRAMPTON.

The bill (S. 3252) granting an increase of pension to David F. Crampton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "Company," to strike out the letter "A" and insert "I;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of David F. Crampton, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M. DE PUY.

The bill (S. 5172) granting an increase of pension to John M. De Puy was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "late," to strike out the name of "Du Puy" and insert "De Puy;" in line 7, before the word "Infantry," to strike out "Volunteer," and in line 8, before the word "dollars," to strike out "forty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. De Puy, late of Company E, Nineteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to John M. De Puy."

ALBERT L. CALLAWAY.

The bill (S. 4520) granting an increase of pension to Albert L. Callaway was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Albert L. Callaway, late of Companies F and C, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM WHEELER.

The bill (S. 2507) granting an increase of pension to William Wheeler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William Wheeler, late of Company I, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CARRIE E. CONSTINETT.

The bill (S. 2115) granting a pension to Carrie E. Constinett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6 after, the words "late of," to strike out "Company" and insert "Battery;" and in line 8, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Carrie E. Costinett, widow of Henry J. Costinett, late of Battery A, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NOAH C. FOWLER.

The bill (S. 2568) granting an increase of pension to Noah C. Fowler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Noah C. Fowler, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN G. WALLACE.

The bill (H. R. 1241) granting an increase of pension to John G. Wallace was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John G. Wallace, late of Company E, Twenty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE L. JANNEY.

The bill (H. R. 4691) granting an increase of pension to George L. Janney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George L. Janney, late of Company B, Thirty-sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS PATTERSON.

The bill (H. R. 6128) granting an increase of pension to Thomas Patterson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas

Patterson, late of Company A, Tenth Regiment Iowa Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MOORE.

The bill (H. R. 4888) granting an increase of pension to William Moore was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Moore, late second lieutenant Company C, Seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SIOtha BENNETT.

The bill (H. R. 2082) granting an increase of pension to Siotta Bennett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Siotta Bennett, widow of Clarence E. Bennett, late lieutenant-colonel First Regiment California Volunteer Cavalry, and to pay her a pension of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES C. BRIANT.

The bill (H. R. 8823) granting an increase of pension to Charles C. Briant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles C. Briant, late captain Company K, Sixth Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARQUIS L. JOHNSON.

The bill (H. R. 8942) granting an increase of pension to Marquis L. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marquis L. Johnson, late captain Company I, Fifty-first Regiment Indiana Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARK A. WINANS.

The bill (H. R. 10230) granting an increase of pension to Clark A. Winans was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Clark A. Winans, late of Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE C. SACKETT.

The bill (H. R. 10300) granting an increase of pension to George C. Sackett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George C. Sackett, late of Company C, First Regiment Iowa Volunteer Cavalry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATILDA ROCKWELL.

The bill (H. R. 10923) granting an increase of pension to Matilda Rockwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Matilda Rockwell, widow of Henry S. Rockwell, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH D. HOPPIN.

The bill (H. R. 9296) granting an increase of pension to Elizabeth D. Hoppin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth D. Hoppin, widow of Curtis B. Hoppin, late major, Fifteenth Regiment United States Cavalry, and to pay her a pension of \$35 per month in lieu of that she is now receiving, and \$2 per month additional on account of each of the minor children of said Curtis B. Hoppin until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSIAH F. ALLEN.

The bill (H. R. 13198) granting an increase of pension to Josiah F. Allen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josiah F. Allen, late of Company I, One hundred and twelfth Regiment New York Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLEN M. BRANT.

The bill (H. R. 2090) granting an increase of pension to Ellen M. Brant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellen M. Brant, widow of Uriah Brant, late first lieutenant and captain Company H, Seventh Regiment Illinois Volunteer Cavalry, and to pay her a pension of \$20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar of pension bills and bills to correct military records.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 3, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 2, 1906.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Henry B. F. Macfarland, of the District of Columbia, to be a Commissioner of the District of Columbia for the term of three years from May 5, 1906. This is a reappointment.

SECRETARY OF EMBASSY.

George L. Lorillard, of Rhode Island, now secretary of the legation at Copenhagen, to be secretary of the embassy of the United States at Rio de Janeiro, Brazil, vice Charles Richardson, nominated to be secretary of the legation at Copenhagen.

SECRETARY OF LEGATION.

Charles Richardson, of Massachusetts, now secretary of the embassy at Rio de Janeiro, to be secretary of the legation of the United States at Copenhagen, Denmark, vice George L. Lorillard, nominated to be secretary of the embassy at Rio de Janeiro.

COLLECTORS OF CUSTOMS.

John A. Merritt, of New York, to be collector of customs for the district of Niagara, in the State of New York, in place of James Low, deceased.

John M. Vogell, of Maine, to be collector of customs for the district of Castine, in the State of Maine, to succeed George M. Warren, whose term of office will expire by limitation April 20, 1906.

Albert Halstead, of the District of Columbia, to be consul of the United States at Birmingham, England, vice Marshal Halstead, resigned.

PROMOTIONS IN THE ARMY.

Maj. John P. Kisser, detailed inspector-general, to be lieutenant-colonel in the Artillery Corps from March 28, 1906, vice Califf, appointed brigadier-general.

Maj. John M. Banister, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel from March 29, 1906, vice Turrill, appointed brigadier-general.

Capt. Alexander N. Stark, assistant surgeon, to be surgeon with the rank of major from March 29, 1906, vice Banister, promoted.

PROMOTIONS IN THE NAVY.

Paymaster Eugene D. Ryan to be a pay inspector in the Navy from the 10th day of February, 1906, vice Pay Inspector Harry R. Sullivan, retired.

Carpenter Frederick C. Le Pine to be a chief carpenter in the Navy from the 10th day of January, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

CALIFORNIA.

Miriam H. Chittenden to be postmaster at Corning, in the county of Tehama and State of California, in place of Arthur J. Chittenden, deceased.

Roy B. Stephens to be postmaster at South Pasadena, in the county of Los Angeles and State of California, in place of Roy B. Stephens. Incumbent's commission expires April 5, 1906.

DISTRICT OF COLUMBIA.

Benjamin F. Barnes to be postmaster at Washington, in the District of Columbia, in place of John A. Merritt, resigned.

GEORGIA.

William F. Boone to be postmaster at Baxley, in the county of Appling and State of Georgia. Office became Presidential January 1, 1906.

Henry B. Sutton to be postmaster at Ocilla, in the county of Irwin and State of Georgia, in place of Walter C. Terrell, resigned.

ILLINOIS.

J. H. Abercrombie to be postmaster at Aledo, in the county of Mercer and State of Illinois, in place of James A. Cummins. Incumbent's commission expired March 5, 1906.

Harrison P. Nichols to be postmaster at Maywood, in the county of Cook and State of Illinois, in place of Harrison P. Nichols. Incumbent's commission expired March 14, 1906.

Joseph H. Pierson to be postmaster at Carrollton, in the county of Greene and State of Illinois, in place of Joseph H. Pierson. Incumbent's commission expired March 14, 1906.

Zachary Taylor to be postmaster at Colfax, in the county of McLean and State of Illinois, in place of Zachary Taylor. Incumbent's commission expires May 27, 1906.

IOWA.

James T. Ellis to be postmaster at Panora, in the county of Guthrie and State of Iowa, in place of James T. Ellis. Incumbent's commission expired January 28, 1906.

Roman C. White to be postmaster at Glenwood, in the county of Mills and State of Iowa, in place of Roman C. White. Incumbent's commission expired January 28, 1906.

LOUISIANA.

Byrnes M. Young to be postmaster at Morgan City, in the parish of St. Mary and State of Louisiana, in place of Byrnes M. Young. Incumbent's commission expires April 5, 1906.

MICHIGAN.

Thaddeus B. Bailey to be postmaster at Manchester, in the county of Washtenaw and State of Michigan, in place of Thaddeus B. Bailey. Incumbent's commission expired March 19, 1906.

MINNESOTA.

Almon E. King to be postmaster at Redwood Falls, in the county of Redwood and State of Minnesota, in place of Almon E. King. Incumbent's commission expires April 5, 1906.

Arthur McBride to be postmaster at Walker, in the county of Cass and State of Minnesota. Office became Presidential January 1, 1906.

Peter A. Peterson to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota, in place of Peter A. Peterson. Incumbent's commission expires April 30, 1906.

George H. Tome to be postmaster at Pine Island, in the county of Goodhue and State of Minnesota, in place of Henry Tome, resigned.

MONTANA.

George W. Huffaker to be postmaster at Helena, in the county of Lewis and Clark and State of Montana, in place of George W. Huffaker. Incumbent's commission expires May 15, 1906.

NEBRASKA.

Frank M. Kimmell to be postmaster at McCook, in the county of Red Willow and State of Nebraska, in place of Frank M. Kimmell. Incumbent's commission expired March 14, 1906.

NEW HAMPSHIRE.

Frank B. Williams to be postmaster at Enfield, in the county of Grafton and State of New Hampshire, in place of Frank B. Williams. Incumbent's commission expires April 17, 1906.

NEW JERSEY.

Charles S. Robinson to be postmaster at Princeton, in the county of Mercer and State of New Jersey, in place of Charles S. Robinson. Incumbent's commission expired March 10, 1906.

OHIO.

George H. Hildebrand to be postmaster at Ashland, in the county of Ashland and State of Ohio, in place of Clifton G. Ducomb. Incumbent's commission expires May 7, 1906.

PENNSYLVANIA.

George R. Adam to be postmaster at Brockwayville, in the county of Jefferson and State of Pennsylvania, in place of Daniel D. Groves. Incumbent's commission expires April 10, 1906.

Fred J. Andrus to be postmaster at Cross Fork, in the county of Potter and State of Pennsylvania, in place of Harry Duncan. Incumbent's commission expired February 5, 1906.

Milton P. Schantz to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania, in place of Milton P. Schantz. Incumbent's commission expired March 26, 1906.

PORTO RICO.

Fred Leser, jr., to be postmaster at Mayaguez, in the department of Mayaguez and island of Porto Rico, in place of Fred Leser, jr. Incumbent's commission expired January 28, 1906.

WYOMING.

Elmer T. Beltz to be postmaster at Laramie, in the county of Albany and State of Wyoming, in place of Elmer T. Beltz. Incumbent's commission expires April 30, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 2, 1906.

CONSUL.

Eugene L. Belisle, of Massachusetts, to be consul of the United States at Limoges, France.

RECEIVER OF PUBLIC MONEYS.

Alfred H. Taylor, of California, to be receiver of public moneys at Susanville, Cal., to take effect April 16, 1906.

REGISTER OF LAND OFFICE.

Thomas A. Roseberry, of California, to be register of the land office at Susanville, Cal., to take effect April 16, 1906.

APPOINTMENTS IN THE ARMY.

First Lieut. Wallace M. Craigie, Seventh Infantry, from the infantry arm to the cavalry arm, with rank from February 2, 1901.

First Lieut. Russell T. Hazzard, First Cavalry, from the cavalry arm to the infantry arm, with rank from February 2, 1901.

PROMOTIONS IN THE ARMY.

ARTILLERY CORPS.

To be lieutenant-colonels.

Maj. Henry M. Andrews, Artillery Corps, from March 3, 1906.
Maj. Charles D. Parkhurst, Artillery Corps, from March 16, 1906.

To be major.

Capt. George W. Van Deusen, Artillery Corps, from March 3, 1906.

To be captains.

First Lieut. Frank E. Hopkins, Artillery Corps, from February 24, 1906.

First Lieut. Ernest R. Tilton, Artillery Corps, from March 3, 1906.

First Lieut. Homer B. Grant, Artillery Corps, from March 3, 1906.

First Lieut. Leonard T. Waldron, Artillery Corps, from March 9, 1906.

CAVALRY ARM.

Second Lieut. George H. Baird, Eleventh Cavalry, to be first lieutenant from March 27, 1906.

ARTILLERY CORPS.

Lieut. Col. Harry R. Anderson, Artillery Corps, to be colonel from March 26, 1906.

Maj. Montgomery M. Macomb, Artillery Corps, to be lieutenant-colonel from March 26, 1906.

INFANTRY ARM.

Maj. Edward E. Hardin, Seventh Infantry, to be lieutenant-colonel from March 23, 1906.

Capt. William H. Sage, Twenty-third Infantry, to be major from March 23, 1906.

First Lieut. Alfred Aloe, Twelfth Infantry, to be captain from January 24, 1906.

First Lieut. Thomas J. Fealy, First Infantry, to be captain from February 17, 1906.

First Lieut. Frank W. Rowell, Eleventh Infantry, to be captain from March 3, 1906.

First Lieut. Hugh A. Drum, Twenty-third Infantry, to be captain from March 23, 1906.

First Lieut. John M. Campbell, Fifth Infantry, to be captain, from March 24, 1906.

APPOINTMENTS IN THE NAVY.

To be assistant surgeons in the Navy from the 24th day of March, 1906, to fill vacancies existing in that grade on that date:

Condie K. Winn, a citizen of Alabama.

John B. Kaufman, a citizen of Virginia.

Ausey H. Robnett, a citizen of Texas.

Matthew H. Ames, a citizen of Maryland.

William S. Kuder, a citizen of Pennsylvania.

Walter F. Schaller, a citizen of California, to be an assistant surgeon in the Navy from the 21st day of March, 1906.

PROMOTIONS IN THE NAVY.

Lieut. Commander Albert N. Wood to be a commander in the Navy from the 12th day of February, 1906.

Asst. Paymaster James F. Kutz to be a passed assistant paymaster in the Navy from the 2d day of February, 1906.

Boatswain Frederick R. Hazard to be a chief boatswain in the Navy from the 1st day of March, 1906, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Andrew Olsson to be a chief gunner in the Navy from the 16th day of September, 1904, upon the completion of six years' service, in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

POSTMASTERS.

NEW HAMPSHIRE.

Ellsworth F. Pike to be postmaster at Franklin (late Franklin Falls), in the county of Merrimack and State of New Hampshire.

John T. Welch to be postmaster at Dover, in the county of Strafford and State of New Hampshire.

PENNSYLVANIA.

Frederick H. Bartleson to be postmaster at Sharpsville, in the county of Mercer and State of Pennsylvania.

VIRGINIA.

J. Harvey Furr to be postmaster at Waynesboro, in the county of Augusta and State of Virginia.

HOUSE OF REPRESENTATIVES.

Monday, April 2, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

PENSION APPROPRIATION BILL.

The SPEAKER laid before the House the bill (H. R. 13113), making appropriations for the payment of invalid and other pensions of the United States, with Senate amendments, which were read.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER. The Chair announces the following conferences: Mr. GARDNER of Michigan, Mr. BROWNLOW, and Mr. SULLIVAN of Massachusetts.

HAZING AT NAVAL ACADEMY.

Mr. VREELAND. Mr. Speaker, I desire to call up the conference report on Senate bill 3899, and ask unanimous consent to dispense with the reading of the report, and ask that the statement be read.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3899) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with amendments, as follows:

In section 1, line 5, of said amendment, after the word "of," insert the following: "the facts upon which are based."

At the end of section 1 of said amendment add the following: "And the truth of any issue of fact so raised, except upon the record of demerit, shall be determined by a board of inquiry convened by the Secretary of the Navy under the rules and regulations for the government of the Navy."

And the House agree to the same.

EDWARD B. VREELAND,

Geo. A. LOUD,

L. P. PADGETT,

Managers on the part of the House.

EUGENE HALE,

CHARLES DICK,

B. R. TILMAN,

Managers on the part of the Senate.